

# **CITY OF LA CRESCENT**

## **AGENDA**

### **REGULAR MEETING**

**APRIL 12, 2021**

**5:30 P.M.**

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ACTION TO CHANGE AGENDA

### **1. CONSENT AGENDA**

All items listed under the consent agenda are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- 1.1 MINUTES – MARCH 22, 2021
- 1.2 BILLS PAYABLE THROUGH APRIL 8, 2021
- 1.3
- 1.4

### **2. PUBLIC HEARING**

### **3. ITEMS FOR CONSIDERATION**

- 3.1 WILDWOOD STORMWATER REVIEW
- 3.2 2021 STREET IMPROVEMENT PROJECT
- 3.3 COMMITTEE APPOINTMENT
- 3.4 REQUEST TO PURCHASE PROPERTY
- 3.5 CRESCENT VALLEY LIGHTING TRUST
- 3.6 ICE ARENA IMPROVEMENT PROJECT
- 3.7 AUTHORIZE EXPENDITURE - TREES
- 3.8 REVIEW BOARD OF APPEAL/EQUALIZATION MEETING
- 3.9 GAMBLING PERMIT APPLICATION
- 3.10 LIABILITY COVERAGE WAIVER
- 3.11 GENERATOR SERVICE CONTRACT RENEWAL
- 3.12 PERSONNEL COMMITTEE RECOMMENDATION
- 3.13

### **4. UNFINISHED BUSINESS**

- 4.1

**CITY OF LA CRESCENT**  
**AGENDA**  
**REGULAR MEETING**  
**APRIL 12, 2021**  
**5:30 P.M.**

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**5. MAYOR'S COMMENTS**

5.1

**6. STAFF CORRESPONDENCE/COMMITTEE UPDATES**

6.1

6.2

6.3

**7. CORRESPONDENCE**

7.1

7.2

7.3

**8. CHAMBER OF COMMERCE**

8.1

**9. ITEMS FOR NEXT AGENDA**

**10. ADJOURNMENT**

**NOTICE**

Please take notice that pursuant to Minn. Stat. Section 13D.021, members of the City Council may attend the meeting by telephone or zoom.

# 1.1

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
MARCH 22, 2021

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of March was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, March 22, 2021.

Pursuant to Minn. Stat. § 13D.021 and due to the COVID-19 pandemic, members of the City Council and City Staff were given the option to attend the meeting by telephone or Zoom. Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Ryan Hutchinson (via Zoom), Cherryl Jostad, Teresa O'Donnell-Ebner, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller, City Attorney Skip Wieser, City Engineer Tim Hruska, and City Administrative Assistant Angie Boettcher.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. There were no changes requested.

**ITEM 1 – CONSENT AGENDA**

At this time, the Mayor read the following items to be considered as part of the Consent Agenda for this regular meeting:

- 1.1 MINUTES – MARCH 8, 2021
- 1.2 BILLS PAYABLE THROUGH MARCH 18, 2021

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. Member O'Donnell-Ebner made a motion, seconded by Member Williams, as follows:

**A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED.**

Upon a roll call vote taken and tallied by the City Administrator, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 2 – PUBLIC HEARING – ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT**

At 5:30 PM the City Council held a public hearing to consider the tax increment plan for the proposed redevelopment of the old laundromat property at 31 South Walnut Street. Tammy Omdal from Northland Securities (via Zoom) reviewed with City Council the following:

1. The notice of public hearing.
2. Resolution 03-21-13 establishing Tax Increment Financing District No. 1-9. City Council reviewed the plan.
3. Resolution 03-21-14 approving a tax increment financing interfund loan related to the administrative cost for District No. 1-9.
4. Resolution 03-21-15 approving the Development Agreement for the project. City Council reviewed the Development Agreement.

Mayor Poellinger opened the meeting for public comment. There were no public comments. Mayor Poellinger closed the public hearing.

Following review and discussion, Member Jostad introduced the following resolution and moved its passage and adoption:

### **RESOLUTION NO. 03-21-13**

#### **RESOLUTION APPROVING THE MODIFICATION OF THE DEVELOPMENT PROGRAM FOR MUNICIPAL DEVELOPMENT DISTRICT NO. 1 AND APPROVING THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 1-9 WITHIN THE DEVELOPMENT DISTRICT AND THE ADOPTION OF THE TAX INCREMENT FINANCING PLAN RELATING TO THERETO**

##### **WHEREAS:**

A. The City of La Crescent, Minnesota (the "City") has proposed (a) the modification of the Development Program for Municipal Development District No. 1 (the "Development District"); (b) the establishment of Tax Increment Financing District No. 1-9 (the "TIF District") within the Development District; and (c) the adoption of the Tax Increment Financing Plan (the "TIF Plan") relating to the TIF District all pursuant to Minnesota Statutes, Sections 469.124 through 469.133 and Minnesota Statutes, Sections 469.174 through 469.1794, both inclusive, as amended (the "Act"); and

B. The City has performed all actions required by law to be performed prior to the establishment of the TIF District within the Development District and the adoption of the proposed Modified Development Program and TIF Plan relating to thereto, including, but not limited to, notification of Houston County and La Crescent-Hokah Public Schools (ISD No. 300) having taxing jurisdiction over the property to be included in the TIF District; and

D. The City Council of the City has fully reviewed the contents of the Development Program and the TIF Plan, and on this date conducted a public hearing thereon at which the views of all interested persons were heard.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Crescent as follows:

1. Development District No. 1. The modification of the Development Program for Development District No. 1 is approved and adopted.

2. Tax Increment Financing (Redevelopment) District No 1-9. Tax Increment Financing (Redevelopment) District No. 1-9 is hereby established within the Development District. The initial boundaries of the TIF District are fixed and determined as described in the TIF Plan.

3. Tax Increment Financing Plan. The TIF Plan is adopted as the tax increment financing plan for the TIF District.

4. Findings. In taking these actions, the City Council makes the following findings:

(a) The TIF District is a redevelopment district as defined in Minnesota Statutes, Section 469.174, Subd. 10. Parcels consisting of 70 percent of the area of the TIF District are occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and more than 50 percent of the buildings, not including outbuildings, are structurally

substandard to a degree requiring substantial renovation or clearance. The basis for these findings is described in Section 3.03.3 of the TIF Plan.

(b) The proposed redevelopment, in the opinion of the City Council, would not occur solely through private investment within the reasonably foreseeable future. The anticipated Developer for the project has represented to the City that it will not undertake the project as proposed without the City's use of tax increment financing. Previous City planning attests to the difficulty of redeveloping this site solely through private financing. Due to the necessity of removing structurally substandard buildings, preparing property for redevelopment, and constructing public improvements, the City Council finds that public financing assistance for the redevelopment activities proposed in the TIF Plan is necessary so that other development by private enterprise will occur within the Development District and the TIF District.

(c) The increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed redevelopment after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan. A comparative analysis of estimated market values both with and without establishment of the TIF District and the use of tax increments has been performed as described above. Such analysis is found in Exhibit I of the TIF Plan and indicates that the increase in estimated market value of the proposed redevelopment (less the indicated subtractions) exceeds the estimated market value of the site absent the establishment of the TIF District and the use of tax increments.

(d) The TIF Plan for the TIF District conforms to the general plan for development or redevelopment of the City as a whole. Section 3.02.2 of the TIF Plan contains information used in making this finding.

5. Public Purpose. The adoption of the Development Program for the Development and the TIF Plan for the TIF District conforms in all respects to the requirements of the Act and will help fulfill a need to develop an area of the State which is already built up to provide employment opportunities, to improve the tax base and to improve the general economy of the State and thereby serves a public purpose and will afford maximum opportunity, consistent with the sound needs for the City as a whole, for the development or redevelopment of the project area by private enterprise in that the intent is to provide only that public assistance necessary to make the private developments financially feasible.

6. Certification and Filing. The City Administrator is authorized and directed to transmit a certified copy of this resolution together with a certified copy of the TIF Plan for the TIF District to the

Auditor of Houston County with a request that the original tax capacity of the property within the TIF District be certified to the City pursuant to Section 469.177, Subd. 1 of the TIF Act, and to file a copy of the Development Program and the TIF Plan with the Minnesota Commissioner of Revenue and State Auditor as required by the Act.

7. Administration. The administration of the Development District and the TIF District is assigned to the City Administrator who shall from time to time be granted such powers and duties pursuant to the Act as the City Council may deem appropriate.

Adopted this 22<sup>nd</sup> day of March, 2021.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Administrator

The motion for the adoption of the foregoing resolution was duly seconded by Member O'Donnell-Ebner and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

Following review and discussion, Member Hutchinson introduced the following resolution and moved its passage and adoption:

#### **RESOLUTION NO. 03-21-14**

#### **RESOLUTION AUTHORIZING INTERFUND LOAN FOR ADVANCE OF CERTAIN COSTS IN CONNECTION WITH TAX INCREMENT FINANCING DISTRICT NO. 1-9**

BE IT RESOLVED By the City Council of the City of La Crescent, Minnesota (the "City") as follows:

Section 1. Background.

1.01. The City of La Crescent (the "City") has established Tax Increment Financing District No. 1-9 (the "TIF District") within the Development District No. 1 (the "Development District") pursuant to Minnesota Statutes, Sections 469.174 to 469.1794, as amended (the "TIF Act") and Sections 469.124 to 469.134, as amended.

1.02. Subject to the approval by the City Council of the TIF District after a duly noticed public hearing on the date hereof, the City may incur certain costs related to the TIF District, which costs may be financed on a temporary basis from available City funds.

1.03. Under Section 469.178, Subdivision 7 of the TIF Act, the City is authorized to advance or loan money from any fund from which such advances may be legally made in order to finance expenditures that are eligible to be paid with tax increments under the TIF Act.

1.04 The City has determined that it may be necessary to finance up to \$30,000 in administrative costs associated with the TIF District (the "Administrative Costs") using City funds legally authorized for such purpose, and to reimburse such funds from tax increments from the TIF District when received

1.08. Accordingly, the City hereby designates the payment of Administrative Costs, as an interfund loan in accordance with the terms of this resolution and the TIF Act.

## Section 2. Repayment of Interfund Loan.

2.01. The City hereby authorizes the advance of legally available City funds up to \$30,000 to reimburse the City for Administrative Costs, together with interest at the rate of 4% per annum (the "Interfund Loan"). Interest accrues on the principal amount from the date of closing on conveyance of the Development Property to the Developer under the Contract (hereafter, the "Closing Date"). The interest rate is no more than the greatest of the rate specified under Minnesota Statutes, Section 270C.40 and Section 549.09, both in effect for calendar year 2018, and will not be adjusted.

2.02. Principal and interest ("Payments") on the Interfund Loan shall be paid semi-annually on each August 1 and February 1 (each a "Payment Date"), commencing on the first Payment Date on which the City has Available Tax Increment (defined below), or on any other dates determined by the City Administrator, through the date of last receipt of tax increment from the TIF District.

2.03. Payments on the Interfund Loan will be made solely from Available Tax Increment, which is defined as 10% of tax increment from the TIF District received by the City from Houston County, Minnesota in the six-month period before any Payment Date. Payments shall be applied first to accrued interest, and then to unpaid principal. Simple interest will accrue from the Closing Date, unless otherwise specified by the City Administrator.

2.04. The principal sum and all accrued interest payable under this resolution is pre-payable in whole or in part at any time by the City without premium or penalty.

2.05. This resolution is evidence of an internal borrowing by the City in accordance with Section 469.178, subdivision 7 of the TIF Act, and is a limited obligation payable solely from Available Tax Increment pledged to the payment hereof under this resolution. The Interfund Loan shall not be deemed to constitute a general obligation of the State of Minnesota or any political subdivision thereof, including, without limitation, the City. Neither the State of Minnesota, nor any political subdivision thereof shall be obligated to pay the principal of or interest on the Interfund Loan or other costs incident hereto except out of

Available Tax Increment. The City shall have no obligation to pay any principal amount of the Interfund Loan or accrued interest thereon, which may remain unpaid after the final Payment Date.

2.06. The City may at any time make a determination to forgive the outstanding principal amount and accrued interest on the Interfund Loan to the extent permissible under law.

2.07. The City may from time to time amend the terms of this Resolution to the extent permitted by law, including without limitation amendment to the payment schedule and the interest rate; provided that the interest rate may not be increased above the maximum specified in Section 469.178, subd. 7 of the TIF Act.

Section 3. Effective Date. This resolution is effective upon execution in full of the Contract.

Adopted by the City Council of the City of La Crescent, Minnesota, this 22<sup>nd</sup> day of March, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

The motion for the adoption of the foregoing resolution was duly seconded by Member Williams and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

At the request of the Developer, consideration of the Development Agreement was delayed until a future meeting. No action was taken.

City Council reconvened with the schedule of the Regular City Council Meeting.

### **ITEM 3.1 – RESOLUTION AWARDING SALE OF BONDS**

Tammy Omdal of Northland Securities (via Zoom) reviewed with City Council a bond sale summary and a resolution providing for the issuance and sale of \$770,000 in general obligation sewer revenue refunding bonds. Following review and discussion, Member O'Donnell-Ebner introduced the following resolution and moved its passage and adoption



**RESOLUTION NO. 03-21-15**

**RESOLUTION PROVIDING FOR THE ISSUANCE AND AWARDING THE SALE OF \$765,000  
GENERAL OBLIGATION SEWER REVENUE REFUNDING BONDS, SERIES 2021A AND  
PLEDGING NET REVENUES FOR THE PAYMENT THEREOF**

A. WHEREAS, the City of La Crescent, Minnesota (the "City"), owns and operates a municipal water utility system (the "Water System") and a municipal sanitary sewer utility system (the "Sewer System" and together with the Water System, the "System"), and the net revenues of the Sewer System are pledged to the payment of the City's outstanding \$1,210,000 original principal amount of General Obligation Sewer Revenue Bonds, Series 2012A, dated March 1, 2012 (the "Prior Bonds"); and

B. WHEREAS, the City Council deems it desirable and in the best interests of the City to provide moneys for a current refunding of \$735,000 aggregate principal amount of the Prior Bonds which mature on and after December 1, 2021 (the "Refunded Bonds"), by calling them for redemption and prepayment on April 27, 2021 (the "Call Date"), all in accordance with the provisions of the resolution of the City Council adopted on January 23, 2012, authorizing the issuance of the Prior Bonds (the "Prior Resolution"); and

C. WHEREAS, the refunding of the Refunded Bonds is necessary and desirable for the reduction of debt service cost to the City; and

D. WHEREAS, the City Council hereby determines and declares that it is necessary and expedient to issue \$765,000 General Obligation Sewer Revenue Refunding Bonds, Series 2021A (the "Bonds" or individually, a "Bond"), pursuant to Minnesota Statutes, Chapters 444 and 475 to provide moneys to currently refund the Refunded Bonds on the Call Date; and

E. WHEREAS, the net revenues of the System are pledged to the payment of the City's outstanding (i) "System Portion" of General Obligation Bonds, Series 2011A, in the original principal amount of \$1,175,000, dated August 1, 2011; (ii) "System Portion" and the "2008A Refunding Portion" of General Obligation Utility Revenue and Crossover Refunding Bond, Series 2015A, in the original principal amount of \$1,960,000, dated September 15, 2015; and (iii) "Utility Improvement Portion" of General Obligation Bonds, Series 2016A, in the original principal amount of 3,860,000, dated June 1, 2016; (iv) "Utility Improvement Portion" and the "2012B Refunding Portion" General Obligation Bonds, Series 2019B, in the original principal amount of \$3,235,000, dated December 17, 2019; and (collectively, the "Outstanding System Bonds"); and

A. WHEREAS, no other obligations have been sold pursuant to a private sale within the last twelve calendar months of the date hereof which when combined with this issue would exceed the \$1,200,000 limitations on negotiated sales as required by Minnesota Statutes, Section 475.60, Subdivision 2(2); and

B. WHEREAS, it is in the best interests of the City that the Bonds be issued in book-entry form as hereinafter provided; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Crescent, Minnesota, as follows:

1. Acceptance of Offer. The offer of Northland Securities, Inc. (the "Purchaser"), to purchase the Bonds in accordance with the terms and at the rates of interest hereinafter set forth, and to pay therefor the sum of \$753,525.00, plus interest accrued to settlement, is hereby accepted.

2. Bond Terms.

(a) Original Issue Date; Denominations; Maturities; Term Bond Option. The Bonds shall be dated April 27, 2021, as the date of original issue, be issued forthwith on or after such date in fully registered form, be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity (the "Authorized Denominations"), and shall mature on December 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2021	\$65,000	2027	\$70,000
2022	65,000	2028	70,000
2023	65,000	2029	75,000
2024	65,000	2030	75,000
2025	70,000	2031	75,000
2026	70,000		

As may be requested by the Purchaser, one or more term Bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Bond(s).

(b) Book Entry Only System. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or its successors to its functions hereunder (the "Depository") will act as securities depository for the Bonds, and to this end:

- (i) The Bonds shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Bonds; and for purposes of complying with this requirement under paragraphs 5 and 10 Authorized Denominations for any Bond shall be deemed to be limited during the Book Entry Only Period to the outstanding principal amount of that Bond.
- (ii) Upon initial issuance, ownership of the Bonds shall be registered in a bond register maintained by the Bond Registrar (as hereinafter defined) in the name of CEDE & CO, as the nominee (it or any nominee of the existing or a successor Depository, the "Nominee").
- (iii) With respect to the Bonds neither the City nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Bonds as securities depository (the "Participant") or the person for which a Participant holds an interest in the Bonds shown on the books and records of the Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the City, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or (C) the payment to any

Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Bonds (the "Holder"). For purposes of securing the vote or consent of any Holder under this Resolution, the City may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

- (iv) The City and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to the Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Bonds, and for all purpose whatsoever. The Bond Registrar, as paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Bonds only to the Holder or the Holders of the Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid.
- (v) Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 10, references to the Nominee hereunder shall refer to such new Nominee.
- (vi) So long as any Bond is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, by the Bond Registrar or City, as the case may be, to the Depository as provided in the Letter of Representations to the Depository required by the Depository as a condition to its acting as book-entry Depository for the Bonds (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Bonds, collectively hereinafter referred to as the "Letter of Representations").
- (vii) All transfers of beneficial ownership interests in each Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Bonds.
- (viii) In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the City or Bond Registrar with respect to any consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the City or the Bond Registrar may establish a special record date for such consent or other action. The City or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

- (ix) Any successor Bond Registrar in its written acceptance of its duties under this Resolution and any paying agency/bond registrar agreement, shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations.

(c) Termination of Book-Entry Only System. Discontinuance of a particular Depository's services and termination of the book-entry only system may be effected as follows:

- (i) The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving written notice to the City and discharging its responsibilities with respect thereto under applicable law. The City may terminate the services of the Depository with respect to the Bond if it determines that the Depository is no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the City or the Beneficial Owners.
- (ii) Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time, in accordance with paragraph 10. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10, the Bonds will be delivered to the Beneficial Owners.

- (iii) Nothing in this subparagraph (c) shall limit or restrict the provisions of paragraph 10.

(d) Letter of Representations. The provisions in the Letter of Representations are incorporated herein by reference and made a part of the resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this resolution, the provisions in the Letter of Representations shall control.

3. Purpose; Refunding Findings. The Bonds shall provide funds for a current refunding of the Refunded Bonds (the "Refunding"). It is hereby found, determined and declared that the Refunding is pursuant to Minnesota Statutes, Section 475.67, and shall result in a reduction of debt service cost to the City.

4. Interest. The Bonds shall bear interest payable semiannually on December 1 and June 1 of each year (each, an "Interest Payment Date"), commencing December 1, 2021, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>	<u>Maturity Year</u>	<u>Interest Rate</u>
2021	0.250%	2027	1.100%
2022	0.350	2028	1.100
2023	0.700	2029	1.450
2024	0.700	2030	1.450

2025	0.700	2031	1.450
2026	1.100		

5. Redemption. All Bonds maturing December 1, 2030, and thereafter, shall be subject to redemption and prepayment at the option of the City on December 1, 2029, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the City; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds not more than sixty (60) days and not fewer than thirty (30) days prior to the date fixed for redemption

To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar prior to giving notice of redemption shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to such Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the City or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the City and Bond Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the City shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of such Bond, without service charge, a new Bond or Bonds of the same series having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by such Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

6. Bond Registrar. Northland Trust Services, Inc., in Minneapolis, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 12.

7. Form of Bond. The Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
HOUSTON AND WINONA COUNTY  
CITY OF LA CRESCENT

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GENERAL OBLIGATION SEWER REVENUE REFUNDING BOND, SERIES 2021A

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
_____%	December 1, 20__	April 27, 2021	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS

THE CITY OF LA CRESCENT, HOUSTON AND WINONA COUNTY, MINNESOTA (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, unless called for earlier redemption, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, and to pay interest thereon semiannually on December 1 and June 1 of each year (each, an "Interest Payment Date"), commencing December 1, 2021, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the office of Northland Trust Services, Inc., in Minneapolis, Minnesota (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America. So long as this Bond is registered in the name of the Depository or its Nominee as provided in the Resolution hereinafter described, and as those terms are defined therein, payment of principal of, premium, if any, and interest on this Bond and notice with respect thereto shall be made as provided in the Letter of Representations, as defined in the Resolution, and surrender of this Bond shall not be required for payment of the redemption price upon a partial redemption of this Bond. Until termination of the book-entry only system pursuant to the Resolution, Bonds may only be registered in the name of the Depository or its Nominee.

Optional Redemption. The Bonds of this issue (the "Bonds") maturing December 1, 2030, and thereafter, are subject to redemption and prepayment at the option of the Issuer on December 1, 2029, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each

maturity to be redeemed shall be determined by the Issuer; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds not more than sixty (60) days and not fewer than thirty (30) days prior to the date fixed for redemption.

Prior to the date on which any Bond or Bonds are directed by the Issuer to be redeemed in advance of maturity, the Issuer will cause notice of the call thereof for redemption identifying the Bonds to be redeemed to be mailed to the Bond Registrar and all Bondholders, at the addresses shown on the Bond Register. All Bonds so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption have been duly deposited.

Selection of Bonds for Redemption; Partial Redemption. To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to the Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of the Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the Issuer or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the Issuer and Bond Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the Issuer shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of the Bond, without service charge, a new Bond or Bonds of the same series having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of \$765,000, all of like date of original issue and tenor, except as to number, maturity, interest rate, denomination and redemption privilege, which Bond has been issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council of the Issuer on March 22, 2021 (the "Resolution"), for the purpose of providing funds for a current refunding of the Issuer's outstanding General Obligation Sewer Revenue Bonds, Series 2012A, dated March 1, 2012, which mature on December 1, 2021, and thereafter. This Bond is payable out of the General Obligation Sewer Revenue Refunding Bonds, Series 2021A Fund of the Issuer. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Bonds are issuable solely in fully registered form in the denominations of \$5,000 and integral multiples thereof of a single maturity and are exchangeable for fully registered Bonds of other authorized denominations in equal aggregate principal amounts at the office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file with the Bond Registrar

Transfer. This Bond is transferable by the Holder in person or by the Holder's attorney duly authorized in writing at the principal office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon the Issuer shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an Authorized Denomination or Denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost Bonds.

Treatment of Registered Owners. The Issuer and Bond Registrar may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except as otherwise provided herein with respect to the Record Date) and for all other purposes, whether or not this Bond shall be overdue, and neither the Issuer nor the Bond Registrar shall be affected by notice to the contrary.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

Qualified Tax-Exempt Obligation. This Bond has been designated by the Issuer as "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution of the Issuer and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law; that the Issuer has covenanted and agreed with the Holders of the Bonds that it will impose and collect charges for the service, use and availability of the municipal sanitary sewer system (the "Sewer System") at the times and in amounts necessary to produce net revenues, together with other sums pledged to the payment of the Bonds, adequate to pay all principal and interest when due on the Bonds; and that the Issuer will levy a direct, annual, irrevocable ad valorem tax upon all of the taxable property of the Issuer, without limitation as to rate or amount, for the years and in amounts sufficient to pay the principal and interest on the Bonds of this issue as they respectively become due, if the net revenues from the Sewer System, and any other sums irrevocably appropriated to the Debt Service Account are insufficient therefor; and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of La Crescent, Houston and Winona County, Minnesota, by its City Council has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and its City Administrator, the corporate seal of the Issuer having been intentionally omitted as permitted by law.



Date of Registration:

Registrable by: NORTHLAND TRUST SERVICES,  
INC.

Payable at: NORTHLAND TRUST SERVICES,  
INC.

BOND REGISTRAR'S  
CERTIFICATE OF  
AUTHENTICATION

CITY OF LA CRESCENT,  
HOUSTON AND WINONA COUNTY, MINNESOTA

This Bond is one of the  
Bonds described in the  
Resolution mentioned  
within.

/s/ Facsimile  
Mayor

NORTHLAND TRUST SERVICES, INC.  
Minneapolis, Minnesota  
Bond Registrar

/s/ Facsimile  
City Administrator

By: \_\_\_\_\_  
Authorized Signature

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship and not as tenants in common

UTMA - \_\_\_\_\_ as custodian for \_\_\_\_\_

(Cust) (Minor)

under the \_\_\_\_\_ Uniform

(State)

Transfers to Minors Act

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_ the within Bond and does  
hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the Bond on the books  
kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

\_\_\_\_\_  
Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a)(2).

The Bond Registrar will not affect transfer of this Bond unless the information concerning the transferee requested below is provided.

Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Include information for all joint owners if the Bond is held by joint account.)

8. Execution. The Bonds shall be in typewritten form, shall be executed on behalf of the City by the signatures of its Mayor and City Administrator and be sealed with the seal of the City; provided, as permitted by law, both signatures may be photocopied facsimiles and the corporate seal has been omitted. In the event of disability or resignation or other absence of either officer, the Bonds may be signed by the manual or facsimile signature of the officer who may act on behalf of the absent or disabled officer. In case either officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery.

9. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on the Bond, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue of April 27, 2021. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

10. Registration; Transfer; Exchange. The City will cause to be kept at the office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Bonds and the registration of transfers of Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 9) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Bonds may be exchanged for Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount and stated maturity, upon surrender of the Bonds to be exchanged at the principal office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Bonds which the Holder making the exchange is entitled to receive.

All Bonds surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

All Bonds delivered in exchange for or upon transfer of Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or the Holder's attorney duly authorized in writing

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The Finance Director is hereby authorized to negotiate and execute the terms of said agreement.

11. Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

12. Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Bond Registrar to the Holders not less than ten days prior to the Special Record Date.

13. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12) on, such

Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

14. Delivery; Application of Proceeds. The Bonds when so prepared and executed shall be delivered by the Finance Director to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

15. Fund and Accounts. For the convenience and proper administration of the moneys to be borrowed and repaid on the Bonds, and to make adequate and specific security to the Purchaser and holders from time to time of the Bonds, there is hereby created a special fund to be designated the "General Obligation Sewer Revenue Refunding Bonds, Series 2021A Fund" (the "Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the manner herein specified until all of the Bonds herein authorized and the interest thereon shall have been fully paid. The Operation and Maintenance Account for the Sewer System heretofore established by the City shall continue to be maintained in the manner heretofore and herein provided by the City. All moneys remaining after paying or providing for the items set forth in the resolutions establishing the Operation and Maintenance Account shall constitute and are referred to as "net revenues" until the Bonds have been paid. There shall be maintained in the Fund the following separate accounts to which shall be credited and debited all net revenues of the Sewer System as hereinafter set forth. The Finance Director and all officials and employees concerned therewith shall establish and maintain financial records of the receipts and disbursements of the Sewer System in accordance with this resolution. In such records there shall be established and maintained accounts of the Fund for the purposes as follows:

(a) Payment Account. The proceeds of the Bonds shall be deposited in the Payment Account. On or prior to the Call Date, the Finance Director shall transfer \$752,644.14 of Bond proceeds from the Payment Account to the paying agent for the Prior Bonds. The sums are sufficient, together with other funds on deposit in debt service funds for the Refunded Bonds, to pay the principal and interest due on the Refunded Bonds due on the Call Date. The remainder of the monies in the Payment Account shall be used to pay the costs of issuance of the Bonds. Any monies remaining in the Payment Account after payment of all costs of issuance and payment of the Refunded Bonds shall be transferred to the Debt Service Account.

(b) Debt Service Account. There are hereby irrevocably appropriated and pledged to, and there shall be credited to, the Debt Service Account: (i) the net revenues of the Sewer System not otherwise pledged and applied to the payment of other obligations of the City, in an amount, together with other funds which may herein or hereafter from time to time be irrevocably appropriated to the account sufficient to meet the requirements of Minnesota Statutes, Section 475.61 for the payment of the principal and interest of the Bonds; (ii) any collections of all taxes which may hereafter be levied in the event that the net revenues of the Sewer System and other funds herein pledged to the payment of the principal and interest on the Bonds are insufficient therefor; (iii) any balance remaining after the Call Date, in the Prior Bonds General Obligation Sewer Revenue Bonds, Series 2012A Fund established by the Prior Resolution; and (iv) all investment earnings on funds held in the Debt Service Account; and (v) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Account.

No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued and (2) in addition to the above in an amount not greater than the lesser of

five percent of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Construction Account or Debt Service Account (or any other City fund or account which will be used to pay principal or interest to become due on the bonds payable therefrom) in excess of amounts which under then applicable federal arbitrage regulations may be invested without regard as to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by the arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

16. Coverage Test; Pledge of Net Revenues and Excess Net Revenues. It is hereby found, determined and declared that the net revenues of the Sewer System are sufficient in amount to pay when due the principal of and interest on the Bonds and a sum at least five percent in excess thereof. It is hereby found, determined and declared that the net revenues of the System are sufficient in an amount to pay when due the principal and interest on the Outstanding System Bonds and a sum at least five percent in excess thereof. The net revenues of the Sewer System are hereby pledged on a parity lien with the Outstanding System Bonds and shall be applied for that purpose, but solely to the extent required to meet, together with other pledged sums, the principal and interest requirements of the Bonds as the same become due.

As used herein the term net revenues means the gross revenues derived by the City from the operation of the Sewer System, including all charges for service, use, availability, and connection to the Sewer System, and all monies received from the sale of any facilities or equipment of the Sewer System or any by-products thereof, less all normal, reasonable, or current costs of owning, operating, and maintaining the Sewer System. Excess net revenues of the Sewer System in excess of those required for the foregoing may be used for any proper purpose.

Nothing contained herein shall be deemed to preclude the City from making further pledges and appropriations of the net revenues of the Sewer System for the payment of other or additional obligations of the City, provided that it has first been determined by the City Council that the estimated net revenues of the Sewer System will be sufficient in addition to all other sources, for the payment of the Bonds and such additional obligations and any such pledge and appropriation of the net revenues may be made superior or subordinate to, or on a parity with the pledge and appropriation herein.

17. Covenant to Maintain Rates and Charges. In accordance with Minnesota Statutes, Section 444.075, the City hereby covenants and agrees with the Holders of the Bonds that it will impose and collect charges for the service, use, availability and connection to the Sewer System at the times and in the amounts required to produce net revenues adequate to pay all principal and interest when due on the Bonds. Minnesota Statutes, Section 444.075, Subdivision 2, provides as follows: "Real estate tax revenues should be used only, and then on a temporary basis, to pay general or special obligations when the other revenues are insufficient to meet the obligations".

18. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the net revenues of the Sewer System appropriated and pledged to the payment of the principal and interest on the Bonds, together with other funds irrevocably appropriated to the Payment Account or the Debt Service Account, shall at any time be insufficient to pay the principal and interest when due, the City covenants and agrees to levy, without limitation as to rate or

amount an ad valorem tax upon all taxable property in the City sufficient to pay such principal and interest as it becomes due. If the balance in the Payment Account or Debt Service Account is ever insufficient to pay all principal and interest then due on the Bonds payable therefrom, the deficiency shall be promptly paid out of any other accounts of the City which are available for such purpose, and such other funds may be reimbursed without interest from the Payment Account or Debt Service Account when a sufficient balance is available therein.

19. Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

20. Prior Bonds; Security and Prepayment. Until retirement of the Prior Bonds, all provisions theretofore made for the security thereof shall be observed by the City and all of its officers and agents. The Prior Bonds shall be redeemed and prepaid on the Call Date in accordance with the terms and conditions set forth in the Notice of Call for Redemption attached hereto as Exhibit A, which terms and conditions are hereby approved and incorporated herein by reference.

21. Supplemental Resolution. The Prior Resolution authorizing the issuance of the Prior Bonds is hereby supplemented to the extent necessary to give effect to the provisions hereof.

22. Continuing Disclosure. The City is the sole obligated person with respect to the Bonds. The City hereby agrees, in accordance with the provisions of Rule 15c2-12 (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934, as amended, and a Continuing Disclosure Undertaking (the "Undertaking") hereinafter described to:

(a) Provide or cause to be provided to the Municipal Securities Rulemaking Board (the "MSRB") by filing at [www.emma.msrb.org](http://www.emma.msrb.org) in accordance with the Rule, certain annual financial information and operating data in accordance with the Undertaking. The City reserves the right to modify from time to time the terms of the Undertaking as provided therein.

(b) Provide or cause to be provided to the MSRB notice of the occurrence of certain events with respect to the Bonds in not more than ten (10) business days after the occurrence of the event, in accordance with the Undertaking.

(c) Provide or cause to be provided to the MSRB notice of a failure by the City to provide the annual financial information with respect to the City described in the Undertaking, in not more than ten (10) business days following such occurrence.

(d) The City agrees that its covenants pursuant to the Rule set forth in this paragraph and in the Undertaking is intended to be for the benefit of the Holders of the Bonds and shall be enforceable on behalf of such Holders; provided that the right to enforce the provisions of these covenants shall be limited to a right to obtain specific enforcement of the City's obligations under the covenants.

The Mayor and City Administrator or any other officer of the City authorized to act in their place (the "Officers") are hereby authorized and directed to execute on behalf of the City the Undertaking in substantially the form presented to the City Council subject to such modifications thereof or additions thereto as are (i) consistent with the requirements under the Rule, (ii) required by the Purchaser of the Bonds, and (iii) acceptable to the Officers.

23. Certificate of Registration. The City Administrator is hereby directed to file a certified copy of this resolution with the County Auditor of Houston County and the County Auditor of Winona County, Minnesota, together with such other information as each of the County Auditor's shall require, and to obtain from each County Auditor the County Auditor's certificate that the Bonds have been entered in the each of the County Auditor's Bond Register.

24. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Bonds, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

25. Negative Covenant as to Use of Bond Proceeds and Project. The City hereby covenants not to use the proceeds of the Bonds or to use the Project, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Project, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

26. Tax-Exempt Status of the Bonds; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bonds, including without limitation (i) requirements relating to temporary periods for investments, (ii) limitations on amounts invested at a yield greater than the yield on the Bonds, and (iii) the rebate of excess investment earnings to the United States, if the Bonds (together with other obligations reasonably expected to be issued and outstanding at one time in this calendar year) exceed the small issuer exception amount of \$5,000,000.

For purposes of qualifying for the exception to the federal arbitrage rebate requirements for governmental units issuing \$5,000,000 or less of bonds, the City hereby finds, determines and declares that:

- a) the Bonds are issued by a governmental unit with general taxing powers;
- b) no Bond is a private activity bond;

c) ninety-five percent or more of the net proceeds of the Bonds are to be used for local governmental activities of the City (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City); and

d) the aggregate face amount of all tax exempt bonds (other than private activity bonds) issued by the City (and all subordinate entities thereof, and all entities treated as one issuer with the City) during the calendar year in which the Bonds are issued and outstanding at one time is not reasonably expected to exceed \$5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

Furthermore:

e) there shall not be taken into account for purposes of said \$5,000,000 limit any bond issued to refund (other than to advance refund) any bond to the extent the amount of the refunding bond does not exceed the outstanding amount of the refunded bond;

f) the aggregate face amount of the Bonds does not exceed \$5,000,000;

g) each of the Refunded Bonds was issued as part of an issue which was treated as meeting the rebate requirements by reason of the exception for governmental units issuing \$5,000,000 or less of bonds;

h) the average maturity of the Bonds does not exceed the average maturity of the Refunded Bonds; and

i) no part of the Bonds has a maturity date which is later than the date which is thirty years after the date the Refunded Bonds were issued.

27. Designation of Qualified Tax-Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City hereby makes the following factual statements and representation:

(a) the Bonds are issued after August 7, 1986;

(b) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;

(c) the City hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;

(d) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities treated as one issuer with the City, and all subordinate entities whose obligations are treated as issued by the City) during this calendar year 2021 will not exceed \$10,000,000;

(e) not more than \$10,000,000 of obligations issued by the City during this calendar year 2021 have been designated for purposes of Section 265(b)(3) of the Code; and

(f) the aggregate face amount of the Bonds does not exceed \$10,000,000.

Furthermore:



- (g) each of the Refunded Bonds was designated as a "qualified tax exempt obligation" for purposes of Section 265(b)(3) of the Code;
- (h) the aggregate face amount of the Bonds does not exceed \$10,000,000;
- (i) the average maturity of the Bonds does not exceed the remaining average maturity of the Refunded Bonds;
- (j) no part of the Bonds has a maturity date which is later than the date which is thirty years after the date the Refunded Bonds were issued; and

(k) the Bonds are issued to refund, and not to "advance refund" the Prior Bonds within the meaning of Section 149(d)(5) of the Code, and shall not be taken into account under the \$10,000,000 issuance limit to the extent the Bonds do not exceed the outstanding amount of the Prior Bonds.

The City shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

28. Official Statement. The Official Statement relating to the Bonds prepared and distributed by Purchaser is hereby approved and the officers of the City are authorized in connection with the delivery of the Bonds to sign such certificates as may be necessary with respect to the completeness and accuracy of the Official Statement.

29. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

30. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

#### EXHIBIT A

##### NOTICE OF CALL FOR REDEMPTION GENERAL OBLIGATION SEWER REVENUE BONDS, SERIES 2012A CITY OF LA CRESCENT, HOUSTON AND WINONA COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that by order of the City Council of the City of La Crescent, Houston and Winona County, Minnesota, there have been called for redemption and prepayment on

April 27, 2021

those outstanding bonds of the City designated as General Obligation Sewer Revenue Bonds, Series 2012A, dated as of March 1, 2012, having stated maturity dates in the years 2021 through 2031, inclusive, and totaling \$735,000 in principal in principal amount and having CUSIP numbers listed below:

<u>Year</u>	<u>CUSIP</u>
2021	502563 PJ2
2023	502563 PL7
2025	502563 PN3

2027	502563 PQ6
2029	502563 PS2
2031	502563 PU7

The bonds are being called at a price of par plus accrued interest to April 27, 2021, on which date all interest on the bonds will cease to accrue. Holders of the bonds hereby called for redemption are requested to present their bonds for payment, at the office of the Northland Trust Services, Inc., 150 South 5<sup>th</sup> Street, Suite 3300, Minneapolis, MN 55402.

Dated: March 22, 2021

BY ORDER OF THE CITY COUNCIL

/s/ Bill Waller, Administrator

\*The City shall not be responsible for the selection of or use of the CUSIP numbers, nor is any representation made as to their correctness indicated in the notice. They are included solely for the convenience of the holders.

ADOPTED this 22<sup>nd</sup> day of March, 2021.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

The motion for the adoption of the foregoing resolution was duly seconded by Member Jostad and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

### **ITEM 3.2 – PLANS AND SPECIFICATIONS – BRIDGE PROJECT**

City Engineer Hruska reviewed with City Council the plans and specifications for the third phase of the Wagon Wheel Improvement Project, which is the construction of a bicycle/pedestrian bridge. The required approvals are being obtained from MnDOT so that the City may proceed with the approval of the plans and specifications and authorization to advertise for bids. In order to proceed, it was recommended to City Council to approve the plans and specifications for the project and authorize to advertise for bids, pending

final approval from MnDOT. Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Hutchinson as follows:

**MOTION TO APPROVE THE PLANS AND SPECIFICATIONS FOR THE THIRD PHASE OF THE WAGON WHEEL IMPROVEMENT PROJECT, WHICH IS THE CONSTRUCTION OF A BICYCLE/PEDESTRIAN BRIDGE, AND TO AUTHORIZE TO ADVERTISE FOR BIDS, PENDING FINAL APPROVAL FROM MNDOT.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.3 – ADA TRANSITION PLAN**

City Engineer Hruska reviewed with City Council the completed ADA Transition Plan. This plan is required for federal funding. The Wagon Wheel Bridge is receiving federal funding as part of the funding from the Transportation Alternative Program. The Transition Plan has separated pedestrian ramps, sidewalks, and trails into categories with three conditions. The first tier has items that are physical barriers, that do not allow all potential users to use the system. The second tier is where there may not be physical barriers, they do not meet the required specifications for the system. The majority of the facilities fall within this category. The third tier is where the facilities are fully compliant. The plan provides the City with guidance on where facilities need improvement. These improvements should be timed with other projects. The plan will be reviewed when future projects are discussed to determine implementation. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner as follows:

**MOTION TO APPROVE THE ADA TRANSITION PLAN.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.4 – LOCAL ROAD IMPROVEMENT PROJECT REVIEW**

In October of 2020, City Council approved an engineering agreement with WHKS to begin planning for the reconstruction of Walnut Street. City Council reviewed the memo and engineering agreement from October 2020. Due to the planning work that was completed for the project, the City was in a position to submit an application to MnDOT for a portion of the project costs through the Local Road Improvement Program (LRIP). City Engineer Tim Hruska reviewed with City Council the site plan and project budget that was submitted to MnDOT for a LRIP grant. The project, referred to as the Walnut Street Improvement project, is in draft form and is tentatively set for 2022. There are a number of funding sources that may be utilized to pay for portions of the project. This is very preliminary, and may include a combination of the following:

1. Municipal State Aid funds.
2. Bonding authority through the City's 2021-2026 Street Reconstruction plan.
3. Water and Sewer revenue bonds.
4. The potential for funding assistance through the LRIP application, although we have been advised by MnDOT that they received 421 requests which is nearly double the number of requests that they received the last time that the program was offered.
5. The potential to use funds that the City will receive in 2021 and 2022 through the American Rescue Plan (ARP). These funds can be used for the cost of water and sewer infrastructure. This is very preliminary information, and there will be ample time to be review and discuss options for the ARP funds as the planning for the project moves forward.

This item was informational, and no action was taken.

### **ITEM 3.5 – ENGINEERING REVIEW**

City Engineer Hruska reviewed with City Council the current engineering projects for the City. These projects include the following: MS4 Permit; Street Inventory / 5-year CIP / Walnut Street; Train Whistle; Shore Acres Road Improvements; Wagon Wheel Phase 3; Wagon Wheel Phase 1; County 6 Utility Extension; Stormwater Review; Horse Track Meadows; Sanitary Sewer Agreement; Eagles Bluff Trail Easement; ADA Transition Plan; Risk Assessment and Response Plan – Mn Department of Health (MDH); City Hall Site Planning; Wildwood Court Drainage; Outdoor Hockey Rink / Pickleball Courts; DNR Roadway Grant; TH 14/61/16 Project; Shore Acres RR Underpass; and SRTS Demonstration Project. This item was informational, and no action was taken.

### **ITEM 3.6 – CITY OF LA CROSSE CORRESPONDENCE**

City Attorney Wieser reviewed with City Council a correspondence dated March 9, 2021 to the City of La Crosse signed by the City of La Crescent, City of Onalaska, and Town of Campbell inviting the City of La Crosse to meet and engage in negotiations of long-term agreements for sanitary sewer service. This item was informational, and no action was taken.

### **ITEM 6.1 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – GREENSTEP MINUTES – MARCH 3, 2021**

City Council reviewed the Minutes from the March 3, 2021 La Crescent GreenStep Committee meeting. No action taken.

**ITEM 6.2 – STAFF CORRESPONDENCE/COMMITTEE UPDATES – PARK AND RECREATION MINUTES – MARCH 15, 2021**

City Council reviewed the Minutes from the March 15, 2021 La Crescent Park and Recreation Commission meeting. No action taken.

**ITEM 6.3 – EXPLORE LA CROSSE**

City Council reviewed the Agenda from the March 16, 2021 La Crosse County Convention & Visitors Bureau Online Board Meeting, which included the Minutes from the February 16, 2021 Online Board Meeting. No action taken.

**ITEM 8 – CHAMBER OF COMMERCE**

Tammy Stremcha of the La Crescent Chamber of Commerce reported that the Chamber had no update.

There being no further business to come before the Council at this time, Member Williams made a motion, seconded by Member O'Donnell-Ebner, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 6:12 PM.

APPROVAL DATE: \_\_\_\_\_

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

#1.2



TO: Honorable Mayor and City Council Members  
FROM: Bill Waller, City Administrator *Bill*  
DATE: April 8, 2021  
RE: Bills Payable

Attached for review and consideration by the City Council are the bills payable for the period ending April 1, 2021. We would suggest that the City Council approve the payment of the bills as presented.

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>360BRANDS, INC</b>						
75445	CITY HALL - CLEANING	03/01/2021	460.00	.00		
Total 9880:			460.00	.00		
<b>3P ADMINISTRATORS, INC.</b>						
3/17/21 L.A.	MEDICAL REIMB P/R DEDUCTED	03/19/2021	164.67	164.67	03/19/2021	
3/18/21 M.E.	MEDICAL REIMB P/R DEDUCTED	03/22/2021	1,000.00	1,000.00	03/22/2021	
3/23/21 R.L.	MEDICAL REIMB P/R DEDUCTED	03/25/2021	214.88	214.88	03/25/2021	
3/29/21 C.F.	MEDICAL REIMB P/R DEDUCTED	03/30/2021	74.80	74.80	03/30/2021	
3/29/21 L.O.	MEDICAL REIMB P/R DEDUCTED	03/30/2021	82.42	82.42	03/30/2021	
3/29/21 R.Q.	MEDICAL REIMB P/R DEDUCTED	03/31/2021	125.00	125.00	03/31/2021	
Total 9457:			1,661.77	1,661.77		
<b>AFLAC</b>						
3/21 STMT	INSURANCE PREMIUMS	04/01/2021	165.62	.00		
Total 72:			165.62	.00		
<b>AFSCME</b>						
3/21 DUES	PAYROLL DEDUCTED UNION DUES	04/01/2021	720.04	.00		
Total 25:			720.04	.00		
<b>ALL VOLLEYBALL INC.</b>						
REF 523267	PARKS - VOLLEYBALL NETS	03/04/2021	692.77	.00		
Total 9946:			692.77	.00		
<b>ANCHOR SOLAR INVESTMENTS LLC</b>						
#17	ANIMAL RESCUE - SOLAR	03/02/2021	176.56	176.56	04/01/2021	
#17	MAINTENANCE BLDG - SOLAR	03/02/2021	344.33	344.33	04/01/2021	
#17	RADIUM PLANT - SOLAR	03/02/2021	344.33	344.33	04/01/2021	
Total 9859:			865.22	865.22		
<b>ATLAS OUTFITTERS</b>						
14331	FD - ICE RESCUE PPE	03/22/2021	1,781.00	.00		
Total 8729:			1,781.00	.00		
<b>AUTO VALUE LA CROSSE</b>						
516351564	PLOW - FULE ADDITIVE	03/02/2021	45.16	.00		
516351826	PARKS - MOWER MAINTENANCE	03/04/2021	77.83	.00		
Total 2106:			122.99	.00		
<b>CANADIAN PACIFIC RAILWAY</b>						
2000159592	WTR PIPELINE CROSSING PERMIT FEE	03/15/2021	130.00	.00		
Total 192:			130.00	.00		
<b>CITY OF LA CRESCENT</b>						
3/21 FIRE	WATER/SEWER UTIL.-FIRE DEPT.	03/31/2021	155.09	.00		
3/21 LIBRARY	WATER/SEWER UTIL.-LIBRARY	03/31/2021	82.30	.00		

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 196:			237.39	.00		
<b>CITY TREASURER'S OFFICE</b>						
176307	LA CROSSE SEWER CONNECTION FEE	04/01/2021	7,300.00	.00		
176418	QTRLY TRANSIT	03/17/2021	16,098.25	.00		
176445	WASTEWATER TO LACROSSE	02/28/2021	15,413.53	.00		
Total 1086:			38,811.78	.00		
<b>COMPASS MINERALS AMERICA INC.</b>						
788283	ROAD - SALT	03/18/2021	7,651.45	.00		
Total 9836:			7,651.45	.00		
<b>CORE &amp; MAIN LP</b>						
N915334	BLUETOOTH FOR NEW HANDHELD	03/17/2021	620.03	.00		
Total 9647:			620.03	.00		
<b>CUSTOM COMMUNICATIONS INC</b>						
482639	GC - MONTHLY ALARM MONITORING SYSTEM	04/01/2021	37.53	.00		
Total 290:			37.53	.00		
<b>DEPT OF NATURAL RESOURCES</b>						
3/16-22/21	WEEKLY RECREATIONAL VEH. REGIST.	03/22/2021	3,540.63	3,540.63	03/26/2021	
3/9-15/21	WEEKLY RECREATIONAL VEH. REGIST.	03/15/2021	1,008.80	1,008.80	03/19/2021	
Total 318:			4,549.43	4,549.43		
<b>DRIFTLESS REGION VECTOR CONTROL</b>						
INV082	STORM WATER MOSQUITO MONITORING	04/01/2021	1,500.00	.00		
Total 9815:			1,500.00	.00		
<b>E O JOHNSON CO INC - LEASE</b>						
28941260	GC - COPY MACHINE/PRINTER	03/15/2021	67.00	.00		
Total 9397:			67.00	.00		
<b>EARL F ANDERSEN INC</b>						
0125830-IN	STREET - SIGNS	03/15/2021	258.95	.00		
0125878-IN	STREET - SIGNS	03/18/2021	1,348.45	.00		
Total 404:			1,607.40	.00		
<b>EFTPS - ELECTRONIC FEDERAL TAX</b>						
3/19/21 P/R	FED/FICA/MEDICARE	03/24/2021	14,524.17	14,524.17	03/24/2021	
Total 1127:			14,524.17	14,524.17		
<b>EMERGENCY MEDICAL PRODUCTS INC</b>						
2241469	FD - MEDICAL SUPPLIES	03/12/2021	269.24	.00		
Total 433:			269.24	.00		



Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>FIFTH AVENUE AWARDS, INC.</b>						
40430	FD - RECOGNITION AWARDS	03/17/2021	111.00	.00		
Total 562:			111.00	.00		
<b>G &amp; F DISTRIBUTING, INC.</b>						
0132108701	GC - BEER FOR RESALE	03/29/2021	180.80	.00		
Total 8628:			180.80	.00		
<b>GERKE EXCAVATING, INC.</b>						
N 4TH STORMW	NORTH 4TH STORMWATER NEAR PARK	12/31/2020	20,236.66	.00		
Total 9915:			20,236.66	.00		
<b>GOPHER STATE ONE-CALL</b>						
1030510	WATER - LOCATE	03/31/2021	35.10	.00		
1030510	SEWER - LOCATE	03/31/2021	35.10	.00		
Total 620:			70.20	.00		
<b>HACH COMPANY</b>						
12371384	WATER DEPT - TESTING SUPL	03/18/2021	160.89	.00		
Total 611:			160.89	.00		
<b>HASE, TERESA R.</b>						
2020 FD PHOTO	FIRE - DEPT PHOTO	12/31/2020	180.00	.00		
Total 9245:			180.00	.00		
<b>HOKAH CO-OP OIL ASSOCIATION</b>						
2995	GC - FUEL FILL	03/29/2021	679.86	.00		
Total 715:			679.86	.00		
<b>HOUSTON CNTY TREASURER</b>						
2021 ASSMT FE	SPEC ASSMT ADMIN CHARGES - WATER	03/15/2021	17.55	.00		
2021 ASSMT FE	SPEC ASSMT ADMIN CHARGES - 2018/2019 GC IMP	03/15/2021	17.55	.00		
2021 ASSMT FE	SPEC ASSMT ADMIN CHARGES - SEWER	03/15/2021	33.75	.00		
2021 ASSMT FE	SPEC ASSMT ADMIN CHARGES - SOLID WASTE	03/15/2021	2.70	.00		
2021 ASSMT FE	SPEC ASSMT ADMIN CHARGES - 2020 GC IMP	03/15/2021	55.35	.00		
2021 ASSMT FE	SPEC ASSMT ADMIN CHARGES - CITY	03/15/2021	5.40	.00		
2021 TIF ADMIN	2021 TIF ADMIN - SCHUMACHER KISH	03/15/2021	125.00	.00		
2021 TIF ADMIN	2021 TIF ADMIN - AMISH FURN	03/15/2021	125.00	.00		
2021 TIF ADMIN	2021 TIF ADMIN - HOTEL & EVENT CENTER	03/15/2021	125.00	.00		
2021 TIF ADMIN	2021 TIF ADMIN - HETH	03/15/2021	125.00	.00		
2021 TIF ADMIN	2021 TIF ADMIN - GUNDERSEN	03/15/2021	125.00	.00		
Total 2450:			757.30	.00		
<b>INSTY-PRINTS OF LA CROSSE INC</b>						
152340	B&Z - EROSION CONTROL	03/25/2021	54.71	.00		
Total 807:			54.71	.00		

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>JOHNSON, ERIN</b>						
3/15/21 PMT ER	REFUND ACCIDENTAL PAYMENT TO UB ACCOUNT	03/15/2021	639.77	639.77	03/22/2021	
Total 9945:			639.77	639.77		
<b>KIESLER POLICE SUPPLY</b>						
IN161644	PD - PEPPERBALL EQUIPMENT	03/19/2021	15.00	.00		
Total 9922:			15.00	.00		
<b>LA CROSSE COUNTY TREASURER</b>						
MPO003 2021	LAPC LOCAL SHARE DUES	03/22/2021	1,933.18	.00		
Total 1098:			1,933.18	.00		
<b>LAW ENFORCEMENT LABOR SERVICES</b>						
3/21 DUES	PAYROLL DEDUCTED UNION DUES-PD	04/01/2021	444.50	.00		
Total 1134:			444.50	.00		
<b>LUDWIGSON, JASON</b>						
3/1/21 - 3/31/21	REIMBURSE - MS4 PERMIT EVENT REGISTRATION	03/31/2021	65.00	.00		
3/1/21 - 3/31/21	SUSTAINABILITY SERVICES	03/31/2021	2,240.00	.00		
Total 9632:			2,305.00	.00		
<b>MAYO CLINIC AMBULANCE SERVICE</b>						
3/13/21	CPR CLASS	03/13/2021	25.00	.00		
Total 8150:			25.00	.00		
<b>MENARDS-LA CROSSE</b>						
47214	MAINT - SHOP TOOL BOX ORGANIZERS	03/30/2021	47.43	.00		
Total 1352:			47.43	.00		
<b>MICMAR, LLC</b>						
5125	GC - REPAIR MOWERS	03/15/2021	2,500.88	.00		
Total 8989:			2,500.88	.00		
<b>MIENERGY COOPERATIVE</b>						
MR 1084 #79	FIRE STATION RENOVATION LOAN	04/01/2021	3,000.00	.00		
Total 9578:			3,000.00	.00		
<b>MINNESOTA CHIEF OF POLICE ASSN</b>						
11961	PD - PERMIT TO PURCHASE FORMS	03/24/2021	270.00	.00		
Total 1351:			270.00	.00		
<b>MINNESOTA CHILD SUPPORT PAYMENT CENTER</b>						
3/19/21 0015639	MN CHILD SUPPORT	03/23/2021	602.21	602.21	03/23/2021	
4/2/21 00156396	MN CHILD SUPPORT	04/01/2021	602.21	602.21	04/01/2021	
Total 9597:			1,204.42	1,204.42		

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
<b>MINNESOTA DEPT OF HEALTH</b>						
2021 POOL	2021 POOL LICENSE	04/01/2021	805.00	.00		
Total 8740:			805.00	.00		
<b>MINNESOTA DEPT OF REVENUE</b>						
3/19/21 P/R	MN STATE WHT	03/24/2021	2,898.00	2,898.00	03/25/2021	
Total 227:			2,898.00	2,898.00		
<b>MINNESOTA PUMP WORKS</b>						
00013857	GRINDER PUMP REPAIR	03/24/2021	193.08	.00		
00013858	GRINDER PUMP REPAIR	03/24/2021	361.74	.00		
Total 9637:			554.82	.00		
<b>MINNESOTA STATE RETIREMENT SYS</b>						
3/19/21 P/R	DEFERRED COMP. DEDUCTIONS/CONTRIBUTIONS	03/24/2021	6,466.73	6,466.73	03/24/2021	
Total 1285:			6,466.73	6,466.73		
<b>MN DEPT OF REVENUE</b>						
2/21 SALES TAX	SALES TAX - GF	03/20/2021	5.78	5.78	03/23/2021	
2/21 SALES TAX	SALES TAX - WATER	03/20/2021	403.88	403.88	03/23/2021	
2/21 SALES TAX	SALES TAX - SOLID WASTE	03/20/2021	353.23	353.23	03/23/2021	
2/21 SALES TAX	SALES TAX - LICENSE BUREAU	03/20/2021	.96	.96	03/23/2021	
2/21 SALES TAX	SALES TAX - G.C.	03/20/2021	181.61	181.61	03/23/2021	
Total 1331:			945.46	945.46		
<b>MTI DISTRIBUTING INC</b>						
1291489-00	PARKS - LAWN MOWER PARTS	03/05/2021	511.17	.00		
Total 1330:			511.17	.00		
<b>MUNICIPAL EMERGENCY SERVICE</b>						
IN1561832	FD - EQUIP REPAIR	03/23/2021	60.40	.00		
Total 8816:			60.40	.00		
<b>NCPERS GROUP LIFE INSURANCE</b>						
3/21 STMT	LIFE INSURANCE PREMIUMS	04/01/2021	144.00	.00		
Total 1619:			144.00	.00		
<b>NIEBUHR</b>						
24520A	WATER METER INSTALLS 3/8/21	03/08/2021	692.00	.00		
Total 8277:			692.00	.00		
<b>NORRIS, BENNETT</b>						
3/27/21 REIMB	FD - REIMBURSE 4 FF MEALS TRAINING	03/27/2021	59.26	.00		
Total 9947:			59.26	.00		
<b>PETTY CASH - PINE CREEK GC</b>						
2021 CHANGE \$	CHANGE FUND	03/23/2021	2,000.00	2,000.00	03/24/2021	

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
2021 PETTY \$	PETTY CASH FUND	03/23/2021	150.00	150.00	03/24/2021	
Total 2404:			2,150.00	2,150.00		
<b>PUBLIC EMPLOYEES RETIREMENT AS</b>						
3/19/21 CORD &	RETIREMENT DEDUCTIONS/CONTRIB.-CORD & PF	03/23/2021	13,192.77	13,192.77	03/23/2021	
Total 1612:			13,192.77	13,192.77		
<b>PUMP 4 LESS</b>						
2/21 CITY	PUBLIC WORKS - MOTOR FUEL	02/28/2021	28.95	.00		
Total 8604:			28.95	.00		
<b>RIVER VALLEY MEDIA GROUP</b>						
3/21 CITY	PUB HEARING & ORD 550	03/28/2021	323.32	.00		
Total 8163:			323.32	.00		
<b>SAM'S CLUB</b>						
3/21 STMT	GC - RESALE ITEMS	03/31/2021	21.96	.00		
3/21 STMT	CITY - OFFICE	03/31/2021	2.50	.00		
3/21 STMT	FD - OFFICE	03/31/2021	6.72	.00		
3/21 STMT	CITY - CLEANING	03/31/2021	14.98	.00		
3/21 STMT	GC - SNACKS	03/31/2021	219.20	.00		
3/21 STMT	CITY - CLEANING	03/31/2021	111.54	.00		
3/21 STMT	CITY - OFFICE	03/31/2021	74.94	.00		
3/21 STMT	MAINT - OFFICE	03/31/2021	143.56	.00		
Total 1861:			590.40	.00		
<b>SIGNAL SYSTEMS INC</b>						
34141	MAINT DEPT - BUILDING ENTRY KEYS	03/25/2021	70.00	.00		
Total 9466:			70.00	.00		
<b>SPLISH SPLASH AUTO BATH</b>						
3/18/21	PD - CAR WASH TOKENS	03/18/2021	81.00	.00		
Total 8567:			81.00	.00		
<b>SUMMIT COMPANIES</b>						
182000661	PD - RECHARGE FIRE EXTINGUISHERS	01/25/2021	238.75	.00		
182001268	PD - RECHARGE FIRE EXTINGUISHERS	03/02/2021	36.16	.00		
182001268	FD - RECHARGE FIRE EXTINGUISHER	03/02/2021	72.34	.00		
Total 50:			347.25	.00		
<b>THE BUYERS EX-PRESS</b>						
2200	GC - ADVERTISING	03/10/2021	300.00	.00		
Total 9513:			300.00	.00		
<b>TORKELSON MOTORS</b>						
2021 DODGE DU	PD - 2021 DODGE DURANGO	03/23/2021	33,690.00	33,690.00	03/23/2021	

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total 9904:			33,690.00	33,690.00		
<b>TRI-STATE BUSINESS MACHINES IN</b>						
513491	MV - COPIER	03/25/2021	51.95	.00		
Total 2024:			51.95	.00		
<b>UNITED STATES POSTMASTER</b>						
3/31 CYCLE 2	POSTAGE - WATER/SEWER BILL	03/31/2021	85.50	85.50	03/31/2021	
3/31 CYCLE 2	POSTAGE - WATER/SEWER BILL	03/31/2021	85.50	85.50	03/31/2021	
Total 2102:			171.00	171.00		
<b>VISA</b>						
3/21 STMT	LIB - OFFICE	03/31/2021	62.81	.00		
3/21 STMT	GC - TRAIL SECURITY CAMERA	03/31/2021	54.50	.00		
3/21 STMT	LIB - OFFICE	03/31/2021	56.59	.00		
3/21 STMT	GC - TRAIL SECURITY CAMERA	03/31/2021	261.80	.00		
3/21 STMT	LIB - BOOKS	03/31/2021	28.17	.00		
3/21 STMT	PD - RETURN 5 LONG GUN CASES	03/31/2021	262.70	.00		
3/21 STMT	PD - DEPARTMENT EQUIPMENT	03/31/2021	80.08	.00		
3/21 STMT	LIB - PROCESSING	03/31/2021	41.20	.00		
3/21 STMT	PD - OFFICE	03/31/2021	128.24	.00		
3/21 STMT	PD - INTERNET PEOPLE SEARCH	03/31/2021	75.00	.00		
3/21 STMT	B&Z - RENEW BULIDING OFFICIAL LICENSE	03/31/2021	65.00	.00		
3/21 STMT	PD - 7 OFFICER POST RENEWALS	03/31/2021	630.00	.00		
3/21 STMT	PD - OFFICE	03/31/2021	14.97	.00		
3/21 STMT	A BOETTCHER - MUNICIPAL CLERK TRAINING	03/31/2021	445.00	.00		
Total 2208:			1,680.66	.00		
<b>VSC CORPORATION</b>						
#2 322 S 1ST	LAND PURCH.-CONTRACT FOR DEED-INTEREST	04/01/2021	415.47	.00		
#2 322 S 1ST	LAND PURCH.-CONTRACT FOR DEED-PRINCIPAL	04/01/2021	2,055.56	.00		
Total 9942:			2,471.03	.00		
<b>WHKS &amp; CO.</b>						
42901	ADA TRANSITION PLAN	02/26/2021	1,879.36	.00		
42902	BASE MAP REVISIONS	02/26/2021	271.50	.00		
42902	MS4 ASSISTANCE	02/26/2021	518.00	.00		
42930	WALNUT STREET PRELIMINARY ENGINEERING	03/05/2021	3,322.27	.00		
Total 8290:			5,991.13	.00		
<b>WIEBKE STUMP GRINDING</b>						
3/9/21 GC	GC - REMOVE STUMPS	03/09/2021	80.16	.00		
Total 9352:			80.16	.00		
Grand Totals:			185,647.89	82,958.74		

# 3.1



TO: Honorable Mayor and City Council Members  
FROM: Bill Waller, City Administrator *Bill*  
DATE: April 7, 2021  
RE: Wildwood Stormwater Review

City Engineer Tim Hruska will be in attendance at the meeting to review the Wildwood Court Drainage report, a copy of which is included. This was reviewed with the City Council in the fall of 2020, and conversations have continued between the City and the residents regarding the situation.

2905 South Broadway  
Rochester, MN 55904-5515  
Phone: 507.288.3923  
Email: rochester@whks.com  
Website: www.whks.com

**whks**

engineers + planners + land surveyors

October 22, 2020

Mr. Bill Waller  
City Administrator  
City of La Crescent  
315 Main Street  
La Crescent, MN 55947



RE: City of La Crescent  
Wildwood Court Drainage  
**Engineer's Report**

Dear Bill:

The City of La Crescent has requested an engineering report for the private drainage issue brought forward by the property owners of 818 and 808 Wildwood Court (Lots 3 & 4, Block 1 of Wildwood Addition). This subdivision was platted in 2009 and is attached for reference.

The scope of this report includes a summary of existing conditions, proposed solutions to the drainage concerns, expected impacts, opinion of probable construction costs, and potential funding opportunities.

### **Existing Conditions**

We have reviewed the preliminary grading plan and the existing field conditions. The field conditions appear to direct drainage from the north end of the development around the west sides of Lots 4 & 5. From conversations with the property owners and a visual inspection of the area, it appears that the water pools approximately 30' east of the southwest corner of 808 Wildwood. It appears relatively flat from this area to the home at 818 Wildwood Court. The drainage around 818 does not appear to have positive drainage away from the foundation. Collected survey data shows little to no drainage away from the home and approximately 0.75 feet of fall from the back of the homes to the sidewalk.

This drainage issue is on private property and the City does not have a drainage easement on these lots.

### **Proposed Construction**

We recommend that the private property owner address the positive drainage away from the home. We also looked at three options.

#### **A. Direct stormwater to Wildwood Court between Lots 3 & 4.**

This option would include grading of the lots from the location where the water currently pools to the front yard and across the sidewalk. There is approximately 0.75 feet of fall between these locations. However, there is little to no grade difference between the edge of the building and the

property line. There should be positive drainage away from a structure. This would result in about 0.25% slope on the graded area to get from the back of the home to the sidewalk. Areas less than 2% will experience standing water at times.

B. Construct new storm sewer pipe from Wildwood Court/Rosewood Drive intersection

This option would construct a new storm sewer main and related structures to drain the water from the described area. The storm sewer would be placed along Wildwood Court. A 375 foot by 10-foot area of bituminous would need to be replaced as part of this option. There would be a structure placed along the lot lines in the back yards of Lot 3 & 4. Site grading would still be required because the storm sewer will not be able to handle every storm. This option would require an easement from both Lot 3 & 4.

C. Grade the west side of the north and south parts of Lot 3

This option would grade the west yards of Lot 3 to direct drainage to the south and to the existing drainage easement. This option would also disturb existing landscaping to parts of Lot 2. While this would direct water to an existing drainage easement, it would direct additional water to that area, which may be problematic for property owners of Lots 1 & 2. This option would require an easement from both property owners of Lot 3. We did include grading in the drainage easements across Lots 1 & 2 as we anticipate that this swale would need to be increased in size. Exact sizing and impacts would be determined during final design. These areas contain landscaping. We did not include landscaping restoration in the project costs. There are also a few trees that may be impacted.

### **Opinion of Construction Costs**

Construction cost opinions for the above options are as follows.

- A. \$8,000
- B. \$56,000
- C. \$32,000

### **Recommendations**

We recommend that the report is shared with the property owners. The City should select a preferred option. With any of these projects, easements would need to be acquired as this project is currently on private property. Funding options for this project include general fund expenditure, assessments, or a separate stormwater charge for the area. If the City chooses to assess or establish a charge for this area, the City Attorney should be consulted on what area (properties) can be assessed for the project as the drainage comes from several properties.

Sincerely,

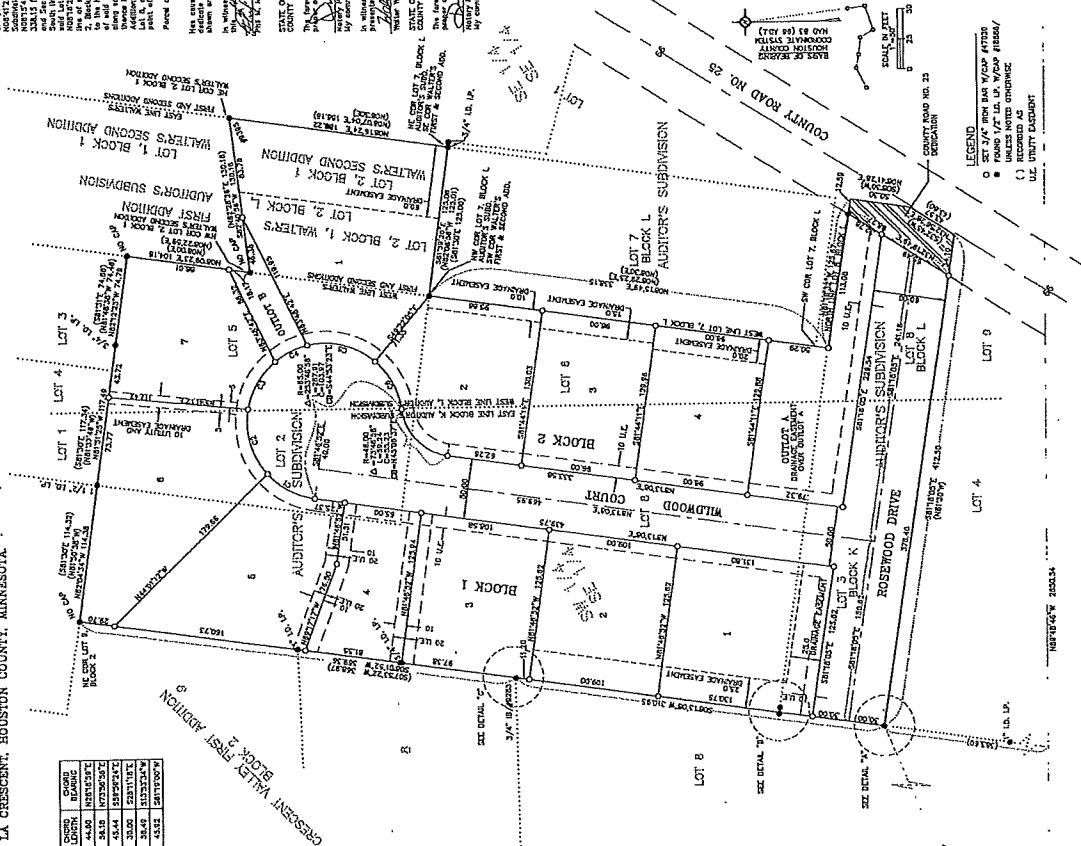
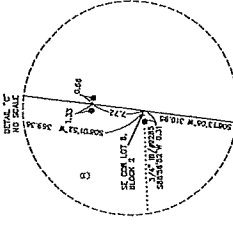
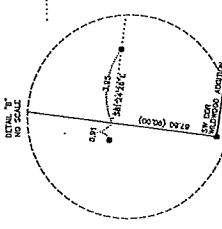
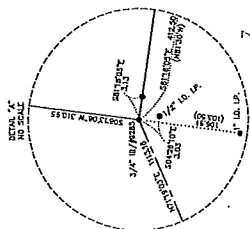
**WHKS** & co.

Timothy A. Hruska, P.E., L.S.  
City Engineer



2, 3, AND PART OF LOT 8, BLOCK K; ALSO LOT 5 AND PART OF LOTS 2, 8, ~~AND 9~~, BLOCK L, AUDITOR'S SUBDIVISION; ALSO PART OF LOT 2, BLOCK 1 WALTER'S FIRST ADDITION, AND LOT 2, BLOCK 1, WALTER'S SECOND ADDITION, ALL BEING PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 104 NORTH, RANGE 4 WEST, CITY OF LA CRESCENT, HOUSTON COUNTY, MINNESOTA.

CURVE TABLE					
CURVE	PLACING	ARC LENGTH	CENTRAL ANGLE	CHORD LENGTH	CHORD BEARING
C1	53.00	45.52	4707'42"	44.90	N35°15'39"E
C2	55.00	38.08	3712'12"	38.15	N75°50'50"E
C3	53.00	46.43	4255'08"	35.45	N75°50'24"E
C4	53.00	30.27	2814'19"	35.00	S28°11'18"E
C5	53.00	60.87	5728'46"	38.49	S55°33'34"W
C6	53.00	46.83	4122'12"	35.42	S81°00'00"W



**DEDICATION:** WE KNOW ALL MEN BY THESE PRESENTS: that PPI-LAC, LLC, a Wisconsin Limited Liability Company, Lender, and Timberwood Bank of Tonawanda, a Wisconsin Corporation, mortgagee, of the County of Marquette, State of Minnesota, to wit:

[illegible]

Has caused the same to be surveyed and plotted as WILKINSON ADDITION and do hereby donate and dedicate to the public for public use forever the public ways, and also dedicate the easements at addition to this plat for utility, access and drainage purposes.

In witness whereof said PMA-LAC LLC has caused these presents to be signed by its proper officers this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

*[Signature]*

STATE OF WISCONSIN  
COUNTY OF BRADDOCK

The foregoing instrument was acknowledged before me this 4 day of December, 2009, by the  
person(s) named above, as jointly and severally for WLC.

Witness my hand and the seal of my office this 20 day of November,  
my commission expires: 10/28/12

\_\_\_\_\_  
Notary Public in and for the State of Wisconsin. My commission expires: \_\_\_\_\_

This is to certify that the within and above described premises are the property of  
William E. McLeod  
 Mayor, Mayor, Vice President  
 of the  
 STATE OF Michigan  
 COUNTY OF Macomb  
 The foregoing instrument was acknowledged before me this 14 day of Dec, 2009, by the  
 person whose name is subscribed to the foregoing instrument.

My commission expires 10/22/12 10/22/12 10/22/12  
Military Public 10/22/12 10/22/12 10/22/12  
Only 10/22/12 10/22/12 10/22/12

Subclass 1, or public highways to be designated on said plat after their approval by the Board of Supervisors, 2020.

Dated this 21 day of NOVEMBER, 2020.

STATE OF MISSISSIPPI  
COUNTY OF LA FOLLE  
I, WILLIAM SHERMAN, Clerk of said Court, do hereby certify that the foregoing plat was acknowledged before me this 21 day of NOVEMBER, 2020.

History Public Andrew Stevenson LaCombe  
My Commission Expires 7-10-2011

NOTE: TYPICAL 10 FOOT UTILITY EASEMENT

CONTRACT NO. \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_  
 DATE OF \_\_\_\_\_

UNITS DRAINING INTO:  
AN UNOCCUPIED LOT FOR THE  
CONSTRUCTION AND MAINTENANCE OF ALL  
NECESSARY UNDERGROUND OR SURFACE PUBLIC  
UTILITIES INCLUDING THE RIGHTS TO TRAVEL ON  
SAY LOT/LOT

PLANTED BY: \_\_\_\_\_

ALL MONUMENTS WILL BE SET ON OR BEFORE  
MARCH 31, 2010.

IMPROVEMENTS OF YOUR NEW SURFACE DRAINAGE  
FACILITIES AND UTILITY ACCOUNT.

COUNTY  
CLERK

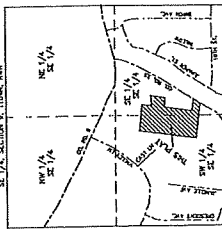
I hereby  
certify that

**SUNSHINE CO., INC.**  
ATTENTION: SALES  
LA CROSSE, WISCONSIN 54601  
**(608) 782-2433**

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CITY OF LA PRESIDENT  
Approved by the Board of the City of Los Angeles, this 14<sup>th</sup> day of September, 2008.  
[Signature] City Clerk  
[Signature] City Clerk

COUNTRY SERVICES  
I certify that this plot has been checked mathematically and that the plot conforms to applicable plotting laws.  
Dated this 2<sup>nd</sup> day of December, 2008.  
R.D. Wain

COUNTY ALLOTTEE  
No delinquent taxes due and transfer has been entered this 10<sup>th</sup> day of  
February, 2006,  
Richard D. Nolter  
Minnesota Registration No. 15876

COUNTY TREASURER  
Taxes due and payable for the year of 2008  
by Charles M. Morrison  
Houston County Auditor

COUNTY RECORDER  
Deed Book Number 259565  
Houston County Treasurer

Beverly J. Bower  
Houston County Recorder  
by Susan K. Yarbrough

COUNTY ENGINEER  
Approved this 22nd day of December, 2006.

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#3.2



TO: Honorable Mayor and City Council Members  
FROM: Bill Waller, City Administrator *Bill*  
DATE: April 7, 2021  
RE: 2021 Street Improvement Project

We had originally planned to reconstruct Spruce Drive, between South 7<sup>th</sup> Street and South 11<sup>th</sup> Street, along with Balsam Avenue in 2022 as part of next year's street reconstruction project. We had intended to include the cost of the project in the street reconstruction bonds that we anticipate the City will issue in 2022.

Given the condition of Spruce Drive and Balsam Avenue, we are suggesting that the project be moved to 2021. We would propose the project be completed in the fall of 2021, with a start date of September 1, 2021.

Attached for review and consideration by the City Council is a professional services agreement for the project, along with a reimbursement resolution, and a cost estimate and site plan.

City Engineer Tim Hruska will be in attendance at the meeting to review the project with the City Council.

For City Council information, in the next few months the City will be receiving approximately \$285,000 in assistance through the American Rescue Plan (ARP). The City will receive a second payment in an amount equal to the first payment 12 months later in 2022. The City will have until December 31, 2024 to expend the funds.

The ARP funds would not be expended on the Spruce Drive improvement project; however we would suggest that the City Council not make a decision on the allocation of the funds until such time that the City has received the proceeds from the 2022 bond sale.

In order to proceed with the project, we would suggest that the City Council adopt the professional services agreement with WHKS and that the City Council adopt the reimbursement resolution.



## PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, by and between **City of La Crescent** hereinafter referred to as the "Client" and WHKS & Co., hereinafter referred to as "WHKS", is made as follows:

WHEREAS, the Client has a need for certain professional services relating to the project described as **Balsam & Spruce Reconstruction**.

WHEREAS, WHKS proposes to furnish the professional services required by the Client for said project,

NOW THEREFORE, the Client hereby agrees to retain and compensate WHKS to perform the professional services in accordance with the terms and conditions of this Agreement and the attached Standard Terms and Conditions.

### Scope of Services

WHKS shall perform the following described services for the Client:

**Design, bid, and construction phase engineering services as described on the attached Scope of Services included in Exhibit A.**

### Basis of Compensation

For the services described above, the Client shall remunerate WHKS as follows:

**Items 1-5 - Billed Hourly with an Estimated Fee of \$36,000. Expenses billed at actual cost and mileage at the current published IRS rate per mile.**

Executed this \_\_\_\_\_ day of April, 2021

**City of La Crescent**

**WHKS & co.**

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

## **Exhibit A to Professional Services Agreement**

### **A. Project Description**

The Project consists of the reclaiming and paving Balsam Avenue from South 11<sup>th</sup> Street to Spruce Drive and Spruce Drive from South 11<sup>th</sup> Street to South 7<sup>th</sup> Street. The existing curb and gutter will be left in place and spot repairs will be made as needed. This project does not include any underground utility work.

### **B. Scope of Services Provided Under This Agreement:**

#### **1. Project Management and Meetings**

- Perform general project administrative duties including supervision and coordination of the project team, review of project costs and billings, prepare invoices using Consultant's standard forms, preparation of status reports, and general administrative activities.
- Hold kick-off meeting with Client to discuss the project and review the scope.
- Advise the Client of the necessity of obtaining Special Engineering Services as described in Paragraph C., and act as the Client's representative in connection with any such services not actually performed by WHKS.
- Attend two (2) meetings for the project.

#### **2. Site Survey and Research of Existing Conditions**

- Perform a site survey with City Staff to assess the existing roadway and utility conditions.
- Develop project control and base map for the project.
- Locate the existing underground utilities as located by the Gopher State One Call locate system.
- Collect, obtain and review relevant information from the Client.

#### **3. Preliminary and Final Design**

- Prepare preliminary and final plans and specifications to show the character and scope of work to be performed by contractors on the Project.
- Geotechnical Engineering services will be performed by a subcontractor to WHKS under this contract. Geotechnical services to include soil borings, material testing, and geotechnical evaluation.
- Prepare forms of advertisement for bids, contractor's proposal, construction agreement, payment bond and performance bond for approval by the Client, subject to prior review and approval by Client's Attorney, Bond Counsel, and/or Fiscal Agent.
- Prepare opinion of probable construction cost on completed plans and specifications.
- Furnish two (2) original signed copies of the plans, specifications, and other contract documents as required to the Client.
- Furnish plans and specifications to bidders through the use of a web based plan room.
- Answer contractor's questions during the bidding phase.
- Prepare addendums to the contract documents prior to bid letting, if necessary.
- Assist in the receiving and tabulation of Contractors' proposals and assist in awarding construction contract.

**4. Construction Administration**

- Provide construction administration assistance during construction. Contract administration assistance activities conducted during project construction include clarification of design details, periodic visits to the construction site to observe the progress of work, review of shop drawings, review periodic payment estimates for completed construction work and recommend payments for processing, prepare change orders when required, and prepare the final summary of construction costs.
- Conduct a preconstruction meeting with Client, Contractor and Utility Owners.
- Provide construction staking.
- Prepare record drawings from Contractor provided "mark-ups" at the completion of the construction.
- Provide construction updates to the Client.

**5. Construction Observation**

- Provide resident project observation services during the construction of the Project. Resident observation is a part time function during construction. Duties are to provide on-site evaluations of the Project progress in accordance with the plans and specifications and report said progress to the Engineer. Additionally, the observer maintains a log book recording conditions at the job site, weather, record of visitors, summary of daily activities, actions taken, observations in general and assists in recording data for eventual preparation of Record Drawings. The observer duties do not include construction means, methods, procedures, and job-site safety. Fee based on 120 hours of observation and travel time.

**C. Special Engineering Services:**

Special Engineering Services are those services not listed above, but which may be required or advisable to accomplish the Project. Special Engineering Services shall be performed when authorized by the Client for additional fees, to be determined at the time authorized.

Special Engineering Services include:

1. Topographic Site Survey
2. Land surveying and platting
3. Easement research, plats or descriptions
4. Funding assistance, including grant and/or loan applications
5. Attendance at additional meetings (other than those listed above)

**RESOLUTION NO. 04-21-16**

**RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LA  
CRESCENT TO REIMBURSE CERTAIN EXPENDITURES FROM THE ISSUANCE  
OF BONDS**

WHEREAS, the Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of bonds used to reimburse an issuer for any project expenditure paid prior to the time of the issuance of those bonds; and

WHEREAS, the Regulations generally require that an issuer make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment); and

WHEREAS, the City Council (the "Council") of the City of La Crescent, Minnesota (the "City") has heretofore determined and declared that it is in the best interests of the City to issue general obligation bonds, in an amount not to exceed \$3,000,000 (the "Bonds"), to finance the costs of certain street reconstruction projects as identified and described in the City's 2021 to 2025 Street Reconstruction Plan (the "Project").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Crescent, Minnesota, as follows:

1. Official Intent Declaration. The City hereby declares its official intent to reimburse itself from the proceeds of the Bonds for costs of the Project incurred and paid for prior to the issuance thereof.

ADOPTED this 12<sup>th</sup> day of April, 2021.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator



Engineer's Opinion of Probable Construction Costs								
2020 Street Improvements								
La Crescent								
July 17, 2019								
Line	Item Description	Approx. Quantities	Unit of Measure		Unit Price	State Aid Share	City Share	Total Amount
Cedar Drive - Reclaim & Repave with 25% Curb & Gutter / Driveway Replacement - S. 11th to S. 8th and portions of S. 9th and S. 10th								
35	Mobilization	1	LS	@	\$ 20,000.00	\$ -	\$ 20,000.00	\$ 20,000.00
36	Remove Concrete Sidewalk / Driveway	110	SY	@	\$ 6.00	\$ -	\$ 660.00	\$ 660.00
37	Concrete Pavement	110	SY	@	\$ 60.00	\$ -	\$ 6,600.00	\$ 6,600.00
38	Pedestrian Ramps	1	EACH	@	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 1,500.00
39	Remove Curb & Gutter	595	LF	@	\$ 5.00	\$ -	\$ 2,975.00	\$ 2,975.00
40	Concrete Curb & Gutter	595	LF	@	\$ 20.00	\$ -	\$ 11,900.00	\$ 11,900.00
41	Full Depth Reclamation & Shape Base	4380	SY	@	\$ 5.00	\$ -	\$ 21,900.00	\$ 21,900.00
42	Subgrade Correction	240	CY	@	\$ 25.00	\$ -	\$ 6,000.00	\$ 6,000.00
43	4" Bituminous Pavement	1120	TONS	@	\$ 100.00	\$ -	\$ 112,000.00	\$ 112,000.00
44	Adjust Gate Valve	8	EACH	@	\$ 250.00	\$ -	\$ 2,000.00	\$ 2,000.00
45	Adjust Casting-I&I Barrier	3	EACH	@	\$ 500.00	\$ -	\$ 1,500.00	\$ 1,500.00
46	Traffic Control / Erosion Control / Restoration	1	LS	@	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00
					Subtotal		\$ 192,035.00	\$ 192,035.00
					Contingencies 10%			\$ 19,000.00
					Total			\$ 211,035.00
Spruce Drive - Reclaim & Repave with 25% Curb & Gutter / Driveway Replacement								
47	Mobilization	1	LS	@	\$ 20,000.00	\$ -	\$ 20,000.00	\$ 20,000.00
48	Remove Concrete Sidewalk / Driveway	155	SY	@	\$ 6.00	\$ -	\$ 930.00	\$ 930.00
49	Concrete Pavement	155	SY	@	\$ 60.00	\$ -	\$ 9,300.00	\$ 9,300.00
50	Pedestrian Ramps	1	EACH	@	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 1,500.00
51	Remove Curb & Gutter	750	LF	@	\$ 5.00	\$ -	\$ 3,750.00	\$ 3,750.00
52	Concrete Curb & Gutter	750	LF	@	\$ 20.00	\$ -	\$ 15,000.00	\$ 15,000.00
53	Full Depth Reclamation & Shape Base	4300	SY	@	\$ 5.00	\$ -	\$ 21,500.00	\$ 21,500.00
54	Subgrade Correction	240	CY	@	\$ 25.00	\$ -	\$ 6,000.00	\$ 6,000.00
55	4" Bituminous Pavement	1100	TONS	@	\$ 100.00	\$ -	\$ 110,000.00	\$ 110,000.00
56	Adjust Gate Valve	2	EACH	@	\$ 250.00	\$ -	\$ 500.00	\$ 500.00
57	Adjust Casting-I&I Barrier	6	EACH	@	\$ 500.00	\$ -	\$ 3,000.00	\$ 3,000.00
58	Traffic Control / Erosion Control / Restoration	1	LS	@	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00
					Subtotal		\$ 196,480.00	\$ 196,480.00
					Contingencies 10%			\$ 20,000.00
					Total			\$ 216,480.00
Balsam Avenue - Reclaim & Repave with 25% Curb & Gutter / Driveway Replacement								
59	Mobilization	1	LS	@	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00
60	Remove Concrete Sidewalk / Driveway	35	SY	@	\$ 6.00	\$ -	\$ 210.00	\$ 210.00
61	Concrete Pavement	35	SY	@	\$ 60.00	\$ -	\$ 2,100.00	\$ 2,100.00
62	Remove Curb & Gutter	225	LF	@	\$ 5.00	\$ -	\$ 1,125.00	\$ 1,125.00
63	Concrete Curb & Gutter	225	LF	@	\$ 20.00	\$ -	\$ 4,500.00	\$ 4,500.00
64	Full Depth Reclamation & Shape Base	1200	SY	@	\$ 4.00	\$ -	\$ 4,800.00	\$ 4,800.00
65	Subgrade Correction	65	CY	@	\$ 25.00	\$ -	\$ 1,625.00	\$ 1,625.00
66	4" Bituminous Pavement	300	TONS	@	\$ 100.00	\$ -	\$ 30,000.00	\$ 30,000.00
67	Adjust Casting-I&I Barrier	4	EACH	@	\$ 500.00	\$ -	\$ 2,000.00	\$ 2,000.00
68	Traffic Control / Erosion Control / Restoration	1	LS	@	\$ 3,000.00	\$ -	\$ 3,000.00	\$ 3,000.00
					Subtotal		\$ 54,360.00	\$ 54,360.00
					Contingencies 10%			\$ 5,000.00
					Total			\$ 59,360.00







#3.3



TO: Honorable Mayor and City Council Members  
FROM: Bill Waller, City Administrator *BW*  
DATE: April 8, 2021  
RE: Committee Appointment

We are suggesting that the City Council appoint Bob Spencer to the City's GreenStep Committee.

#3.4



TO: Honorable Mayor and City Council Members  
FROM: Bill Waller, City Administrator *BW*  
DATE: April 8, 2021  
RE: Request to Purchase Property – Apple Blossom Pointe

The City has received a request from property owners in the Apple Blossom Pointe development to purchase a portion of the City owned property in that development. A copy of the request is included.

For City Council information, the piece of property is platted as a City street, and is presently being considered for a trail extension/connection between the Horse Thief Ridge development and the Apple Blossom Pointe development, with a connection to the Winona County Apple Blossom Overlook Park. This extension/connection is identified in the City's Blufflands Plan.

We do not believe that it is in the City's best interest to sell this piece of property, and would suggest that the City Council deny the request.

## Angie Boettcher

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**From:** Nikki <nmburg@gmail.com>  
**Sent:** Wednesday, March 17, 2021 6:31 PM  
**To:** Bill Waller; Angie Boettcher  
**Cc:** Shanedanihaag915@gmail.com; Gregory Wolf; emily.klimmek@gmail.com; Joe Dockendorff  
**Subject:** Proposed Purchase Agreement

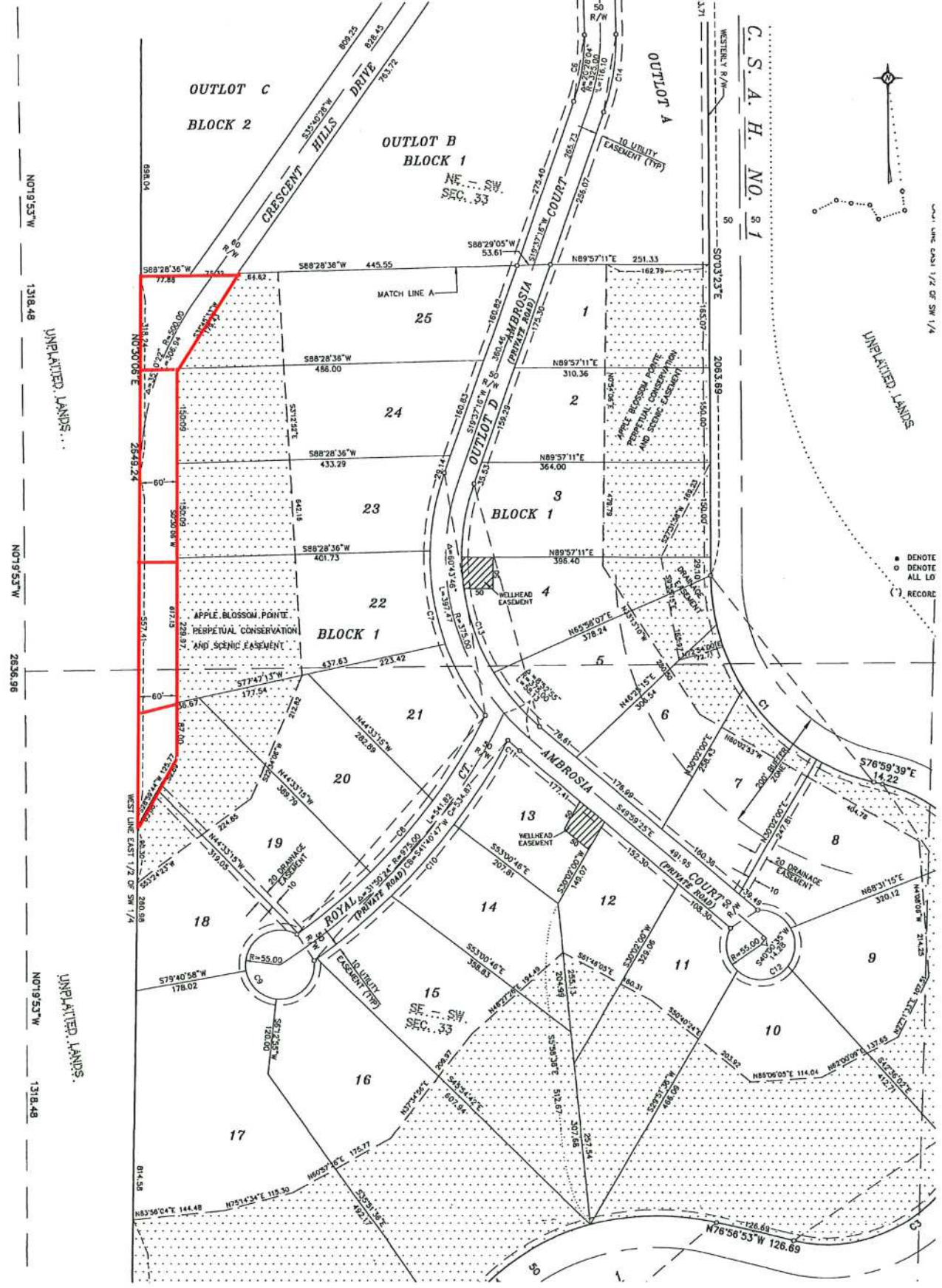
To: The City of La Crescent

We are writing in regards to the city owned strip of land adjacent to our properties. We, the adjacent landowners, have interest in purchasing this land from the city. Our proposal is to extend our current scenic easement to include this property. The current scenic easement is designed to preserve the natural landscape and to be used for recreational purposes. The current easement is privately owned and accessible by landowner permission only, and we would like to purchase the city property with these same restrictions. Our interest is to preserve the natural landscape and maintain privacy on our current property.

Below is a picture of what we are proposing for adjacent property owners to purchase with the red outlining the current city property to be divided:

1/4 CORNER  
SEC. 33, T105N, R4W  
WINONA COUNTY  
MONUMENT

# APPLE BLOSSOM POINTE



NOT 19°53'W

1316.48

NOT 19°53'W

2636.96

NOT 19°53'W

1318.48

UNPLATTED LANDS...

UNPLATTED LANDS.

C.S.A.H. NO. 81

UNPLATTED LANDS

● DENOTE  
○ DENOTE  
( ) RECORD

Please consider this proposal and let us know if you are interested in moving forward with an agreement.

Thank you,  
Nikki and Joe Dockendorff  
Greg and Janie Wolf  
Dani and Shane Haag  
Alec and Emily Schwartz



#3.5



TO: Honorable Mayor and City Council Members  
FROM: Bill Waller, City Administrator *BW*  
DATE: April 8, 2021  
RE: Crescent Valley Lighting Trust

In 2010 the City completed the annexation of the first parcels of property in Crescent Valley. There are 10 street lights in Crescent Valley. Prior to 2010 the cost to operate the street lights was paid for by the Crescent Valley Lighting Trust, which consists of the homes in Crescent Valley. The Lighting Trust is administered by representatives from each of the six water trusts that exist in Crescent Valley.

The City of La Crescent pays for the cost to operate all of the street lights in the City. In 2010, when approximately one-third of Crescent Valley annexed to the City, the City began paying for three of the street lights in Crescent Valley.

Over the years the number of homes in Crescent Valley that are in the City gradually increased, and now approximately two-thirds of the properties in Crescent Valley are in the City of La Crescent.

The number of street lights that the City has paid for between 2010 and 2020 was never adjusted and remained at three, even though the number of homes in the City continued to increase during that period of time.

Beginning in 2021 the remaining 7 street lights in Crescent Valley are now being paid for by the City of La Crescent.

The street light cost is \$10 per light per month.

The Crescent Valley Lighting Trust is requesting that the City Council approve a one-time reimbursement of \$1,200 which is approximately the cost of 3 street lights for the last four years. The Crescent Valley Lighting Trust will then distribute these funds to the various well trusts in Crescent Valley, and the Crescent Valley Lighting Trust will cease to exist.

We believe that this is a reasonable request, and would suggest that the City Council approve the one-time payment to the Crescent Valley Lighting Trust.

#3.6



TO: Honorable Mayor and City Council Members  
FROM: Bill Waller, City Administrator  
DATE: April 7, 2021  
RE: Ice Arena Improvement Project

The La Crescent Community Ice Arena was constructed in 1997. The building is now in need of maintenance items including a new roof, caulking and sealing. This is similar to the project that was completed approximately 7 years ago on the Community Building/Fire Station.

The total cost of the proposed improvement is estimated at \$250,000. Lancer Youth Hockey has agreed to pay 50% of the costs associated with this improvement. In 2020, the City included \$130,000 in tax abatement bonds in the 2020A bond issue for the City's portion of the cost of the project.

The project was originally planned for 2020, but was delayed due to the financial impact that the health pandemic was having on Lancer Youth Hockey.

Lancer Youth Hockey has indicated that they are ready to move forward with the project. In order to proceed, we would suggest that the City Council approve the specifications for the project and authorize to advertise for bids. The bid results would then be presented to the City Council for consideration at a meeting in May.

#3.7



TO: Honorable Mayor and City Council Members  
FROM: Bill Waller, City Administrator *BW*  
DATE: April 7, 2021  
RE: Tree Proposal

The City received a proposal from Hoffman & McNamara to provide 114 trees that will be planted at Veterans Park, Hickory Lane and as part of this year's MnDOT Landscape Partnership project. There are 18 different varieties of trees, and the total price is \$22,209.00.

Hoffman & McNamara has provided the City with the majority of the product that has been planted in the City over the years.

The City has received an \$8,000 MnDOT Landscape Partnership grant for that portion of the project and there are funds in the general fund budget for the balance of this expenditure.

The trees will be planted at Veterans Park and Hickory Lane on April 30<sup>th</sup> as part of the City's 2021 Arbor Day celebration. The trees will be planted by community volunteers and the City's maintenance department.

We would suggest that the City Council accept the proposal submitted by Hoffman & McNamara.



# 3.8

LA CRESCENT CITY COUNCIL  
BOARD OF APPEAL AND EQUALIZATION MEETING  
MONDAY, APRIL 19, 2021  
5:30 P.M.  
CITY COUNCIL CHAMBERS  
LA CRESCENT CITY HALL  
315 MAIN STREET

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Local Board of Appeal and Equalization meeting. A copy of the meeting notice is included, along with the local sales results and the Houston County 2021 Board of Appeal and Equalization report that is prepared by the Houston County Assessors Office.
5. Motion to recess the Board of Appeal Equalization meeting and reconvene at 5:30 pm, Monday, May 10, 2021, at the La Crescent City Hall, 315 Main Street.

NOTICE

Please take notice that pursuant to Minn. Stat. Section 13D.021, members of the City Council may attend the meeting by telephone or zoom.

Notice of Local Board of Appeal and Equalization  
Important Information Regarding Property Assessments  
This may affect your 2022 property taxes

NOTICE IS HEREBY GIVEN, that the Board of Appeal and Equalization for the City of La Crescent in Houston and Winona County, Minnesota, will meet at the La Crescent City Hall, 315 Main Street, La Crescent, Minnesota, at 5:30 o'clock P.M., on Monday, the 19th day of April, 2021.

The purpose of this meeting is to determine whether taxable property in the jurisdiction has been properly valued and classified by the assessor, and to determine whether corrections need to be made.

Please be advised that pursuant to Minn. Stat. Section 13D.021 members of the City Council may attend the meeting electronically, either by telephone or zoom.

Further, due to the current COVID-19 pandemic, the Governor's Executive Order declaring a Peacetime Emergency, and the need to limit the numbers of individuals gathered in one place while also practicing social distancing, we are recommending that citizens not attend this meeting in person.

Prior to April 19, 2021, we would suggest the following:

1. Contact the Houston County Assessor's office by phone at (507) 725-5801, or by e-mail at [Lucas.Onstad@co.houston.mn.us](mailto:Lucas.Onstad@co.houston.mn.us).

If you believe the value or classification of your property is incorrect, please contact your assessor's office to discuss your concerns. If you disagree with the valuation or classification after discussing it with your assessor, you may appear before the local board of appeal and equalization. The board will review your assessments and may make corrections as needed. You must appeal to the local board of appeal and equalization before appealing to the county board of appeal and equalization.

Given under my hand this 2nd day of April 2021.

Bill Waller  
City Administrator  
City of La Crescent

#3.9



TO: Honorable Mayor and City Council Members  
FROM: Chris Fortsch, Administrative Clerk *Chris*  
DATE: April 1, 2021  
RE: Gambling Permit Application

The City has received the following gambling permit application:

1. Lions Club of La Crescent - Raffle date is October 8, 2021.

The application for the raffle drawing to be held at the La Crescent Area Event Center appears to be in order, and I would suggest that the City Council approve the application and authorize that it be forwarded to the Minnesota Gambling Control Board.

# 3.10



TO: Honorable Mayor and City Council Members

FROM: Debbie Shimshak, Finance Director *Debbie*

DATE: March 29, 2021

RE: Liability Coverage Waiver

Each year, as part of the City renewing its general liability insurance coverage with the League of Minnesota Cities Insurance Trust, the City Council is required to adopt the attached liability coverage waiver form. Based on the recommendation of the City's insurance agent, the City Council has always NOT waived the statutory tort limits. This by MN Statute 466.04 limits the amount an individual or multiple claimants could recover from a single occurrence. We suggest that the City Council continue with NOT waiving the statutory tort limits for 2021/2022 renewal.



## LIABILITY COVERAGE – WAIVER FORM

**Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to [pstech@lmc.org](mailto:pstech@lmc.org).**

*The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.*

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.*
- *If the member waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.*
- *If the member waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.*

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

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LMCIT Member Name:

*Check one:*

☐ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.

☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: \_\_\_\_\_

Signature: \_\_\_\_\_ Position: \_\_\_\_\_

#3.11



TO: Honorable Mayor and City Council Members  
FROM: Bill Waller, City Administrator *BW*  
DATE: April 8, 2021  
RE: Generator Contract Service Renewal

Attached for review and consideration by the City Council is an agreement to renew the service contract with Interstate PowerSystems for yearly service/inspections on the City's two generators. This agreement has been in place for a number of years, and we would suggest that the City Council approve the three-year service contract renewal with Interstate PowerSystems.

# INTERSTATE PowerSystems

21568 Highview Avenue, Lakeville, Minnesota 55044 • 952-854-5511

City of La Crescent  
P.O. Box 142  
La Crescent MN 55947

Customer # 27171  
Generator Service Contract  
March 24, 2021

Attention: Tyler Benish

This letter is to confirm our three year service contract renewal pricing for performing annual generator inspections on your emergency generators.

Generators: 1) 223662 2007 Kohler model 275REOZJD (Radium Removal Plant)  
2) 186468 1990 Kohler model 125ROZJ71 (Waste Water Plant)

"B" Inspections: Scope of work: Our technician will travel to your site during September/October annually and perform generator inspections per attached checklist. Engine oil will be changed. Oil and fuel filters will be replaced. Oil and coolant samples will be taken for lab analysis. Old motor oil and filters will be taken back to Interstate's shop for recycling. Labor, oil, filters, lab test kits, travel mileage, and recycling charges are included.

Contract price: 1) \$1370  
2) \$1100

Schedule: "B" Inspections will be performed in August.

Pricing Terms: Prices are firm through April 31, 2024. Sales tax, if applicable, is additional. Prices quoted are per service event, and are based upon performing services during regular business hours (7:00 am to 4:00 pm, Monday through Friday, excluding holidays). Interstate's standard General Terms and Conditions are attached. Mechanic's reports and lab results will be furnished via e-mail. Additional repairs, if any, will be approved by you, and billed separately. You will be billed for services only after they have been performed. Purchase order numbers must be furnished at time of service (or in advance), if you want them to appear on our invoices. Pricing is subject to an increase of up to, but not more than, 3% in each subsequent year. Please countersign where indicated below to affirm your acceptance, and return one copy for our files.

Interstate PowerSystems \_\_\_\_\_  
by Rob Lewis – Service Manager

Acceptance Date \_\_\_\_\_

Customer Signature \_\_\_\_\_

Print name / title \_\_\_\_\_

e-mail address (for reports) \_\_\_\_\_



#3.12



TO: Honorable Mayor and City Council Members  
FROM: Bill Waller, City Administrator *BW*  
DATE: April 7, 2021  
RE: Personnel Committee Recommendations

The Personnel Committee has the following recommendations for consideration by the City Council:

1. The Personnel Committee is recommending that the City Council accept the resignation of Mike Wiczek from the La Crescent Fire Department. A letter from the Fire Chief regarding this is included.
2. The Personnel Committee is recommending that the City Council authorize the posting of the Training/Safety Officer and the Deputy Fire Marshal positions. A hiring recommendation would then be presented at a future City Council meeting. A letter from the Fire Chief regarding this is included.
3. It is planned that City Hall will be reopened to the public on Monday, May 3, 2021. Given the volume of traffic that the License Bureau generates, and the limited waiting and working areas we are suggesting that consideration be given to possibly reconfiguring space in City Hall. This may include moving the License Bureau to the City Council Chambers, re-locating existing offices currently in that space to other areas in City Hall, and holding public meetings at the Community Building rather than at City Hall. To facilitate this evaluation, we are suggesting that the City Council authorize Dave Holstrom to review the existing space at City Hall and make recommendations on how the space could be reconfigured.
4. Due to the volume of building activity that is currently in progress, along with projects that are currently being planned, the time constraints on the City's Building Official are becoming unrealistic. The Personnel Committee is recommending on a trial basis through the end of the year that the contract with Jason Ludwigson, the City's Sustainability Coordinator, be expanded by 5 hours per week to perform zoning administration activities that are presently being performed by Shawn Wetterlin, the City's Building Official. The increase in building permit fees should more than offset the added cost to expand the contract with Mr. Ludwigson.



## ***La Crescent Fire/Rescue***

To: Personnel Committee  
La Crescent City Council  
Bill Waller – City Administrator

From: Chief Tom Paulson

Date: 4-2-2021

RE: Training Officer Resignation, permission to hire

Training Officer Michael Wiczek has submitted in writing his resignation from the La Crescent Fire Department effective March 26, 2021. Michael has served on the department since January, 2015 and leaves in good standing. The department is thankful for his dedicated service and leadership. The La Crescent Fire Department accepts this resignation.

With the resignation of Mr. Wiczek and the previously vacated position of Deputy Fire Marshal due to internal promotion, the department respectfully requests permission to hire the following positions:

Training/Safety Officer  
Deputy Fire Marshal

Thank you for your support.

Sincerely,

Tom Paulson  
Fire Chief  
La Crescent Fire Department